APPENDIX B - LAND DEVELOPMENT CODE

Footnotes:
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Editor's note— *Ord. No. 2015-09, adopted Sept. 21, 2015, reorganized provisions previously codified as ch. 22. Per instructions by the city, said new provisions have been redesignated as App. B, to read as herein set out. Obvious misspellings and punctuation errors have been corrected without notation. For stylistic purposes, headings and catchlines have been made uniform and the same system of capitalization, citation to state statutes, and expression of numbers in text as appears in the Code of Ordinances has been used. Additions made for clarity are indicated by brackets.*

ARTICLE 5. - ADMINISTRATIVE AND LEGAL PROVISIONS

DIVISION 5. - TITLE, SCOPE AND INTENT

Sec. 5-510. - Short title; scope.

This chapter shall be known as the Land Development Code of the City of Parkland; and the regulations herein set forth shall apply to all of the land, improvements, structures and uses located or conducted in the city.

(Ord. No. 2015-09, § 2(Exh. A), 9-21-2015)

Sec. 5-520. - Purpose and legislative intent.

A. The city has adopted its comprehensive plan, which establishes the overall goals, objectives, and policies relating to its future growth. It is the intent of the comprehensive plan to provide for the orderly growth of the city by ensuring that the services necessary to accommodate future growth will be available at the time they are needed. This chapter, to be known as the City of Parkland Land Development Code, is intended to implement the goals, objectives, and policies of the comprehensive plan by providing a mechanism and substantive requirements for the land use and zoning regulations of uses and development, for review of proposed development, and to establish specific development review requirements to evaluate the availability of essential services. This land development code is intended to implement the comprehensive plan and shall be construed in manner, to the extent legally permissible, to achieve that purpose. No development permit or development order shall be granted which is not consistent with the goals, objectives, and policies of the comprehensive plan, and this land development code.
B. With regard to this land development code in general, its provisions shall be construed and implemented to achieve the following intentions and purposes of the city:
    1. To establish the regulations, procedures and standards for review and approval of all proposed development in the city.
    2. To foster and preserve public health, safety, comfort and welfare, and to aid in the harmonious, orderly, aesthetically pleasing and socially beneficial development of the city in accordance with the comprehensive plan.
    3. To ensure the availability of adequate public utilities and facilities capacities concurrent with the impact of development.

(Ord. No. 2015-09, § 2(Exh. A), 9-21-2015)

DIVISION 10. - ZONING AND COMPREHENSIVE PLAN

Sec. 5-1010. - Division of city into zoning districts.

In order to more effectively protect and promote the general welfare and to accomplish the purposes of the city's comprehensive plan and this chapter, the city is divided into districts of such number, shape and area and of such common unity of purpose, adaptability and use that the common rights and interests of all will be protected and so as to promote improved wholesome, sightly, harmonious and economic results in civic service, activities and operations; and there are hereby imposed upon the land and structures located and uses to be conducted within such districts such further regulations as are necessary or appropriate to regulate, determine and establish: the density, location, use, bulk, height, extent, land coverage, occupancy, and design of buildings, structures, improvements and land to be used for commerce, industry, residential, community or other goals as are necessary and/or appropriate to achieve such purposes; street and block patterns, locations and width; provision of landscaped yards, recreation areas and other open spaces; density of population; uses, types, elevations and sizes of structures and improvements in those areas subject to seasonal or periodic flooding or storm damage so that danger to life and property in such areas will be minimized; signage size, type, quantity and location; number dimensions, arrangement, and location of off-street parking and loading spaces, and access thereto; public facility concurrency standards and procedures; and, procedures for review and issuance of development orders and permits. See also article 10, division 1, generally, for further treatment of the zoning map and interpretation of district boundaries.

(Ord. No. 2015-09, § 2(Exh. A), 9-21-2015)

Sec. 5-1020. - Regulation of unzoned property.

Any property in the city not shown on the zoning map as being in a zoning district is hereby classified as AE-1 (see also section 10-1010, purpose of district).

(Ord. No. 2015-09, § 2(Exh. A), 9-21-2015)

Sec. 5-1030. - Local comprehensive plan.

A. *Adopted.* The City of Parkland Comprehensive Plan, including the map entitled "Future Land Use Plan of the City of Parkland," is hereby incorporated by reference herein and on file in the city clerk's office and is hereby adopted by the city commission as the comprehensive plan for the city. The City of Parkland Comprehensive Plan was adopted pursuant to the requirements and authority of F.S. ch. 163, part II. This land development code specifically incorporates and includes Policy 1.1.2 of the future land use element, as amended of the city comprehensive plan as it relates to compatibility as a requirement for review of all development permits. Policy 1.1.2 of the Future Land Use Element shall be considered as part of the land development code and compliance therewith a requirement for the issuance of all development permits and orders; provided that all goals, policies and objectives of the future land use plan shall be considered requirements of any application for a development permit and shall govern the city's review of such applications.

B. *Land use elements.* The following elements contained within the comprehensive plan are hereby adopted by the city commission and are the required elements of the Local Governmental Comprehensive Planning and Land Development Regulation Act as found in F.S. ch. 163, as amended: Introduction and Background of the city; Community Goals; Policies; Future Land Use Element; Housing Element; Transportation Element; Infrastructure Element; Conservation Element; Capital Improvement Element; Intergovernmental Element; Parks, Recreation and Open Space Element; Community Facilities Element; and Public School Facilities Element.

C. *Certification.* The Future Land Use Element of the City of Parkland Comprehensive Plan must be certified by the Broward County Planning Council in accordance with the Broward County Land Use Plan.

D. *Amendments.* The comprehensive plan may be amended in accordance with the procedures and requirements of F.S. ch. 163, part II, the public notification procedures of this chapter, and the provisions of the Broward County Land Use Plan.

(Ord. No. 2015-09, § 2(Exh. A), 9-21-2015)

Sec. 5-1040. - Consistency with comprehensive plan.

The comprehensive plan, which contains expressions of public policy in the form of generalized maps, standards, guidelines and policy statements, is declared to be the official long-range and comprehensive guide for the orderly growth and development of the City of Parkland, Florida. The comprehensive plan shall be the policy basis for this land development code. This land development code implements the objectives and policies of the comprehensive plan. This land development code shall be revised from time to time as necessary to ensure continued consistency with the amendments to the plan.

(Ord. No. 2015-09, § 2(Exh. A), 9-21-2015)

Sec. 5-1050. - Annexed lands.

All areas hereafter annexed into the city shall be included within the city's comprehensive plan and future land use element and thereafter zoned as deemed appropriate by the city commission.

(Ord. No. 2015-09, § 2(Exh. A), 9-21-2015)

DIVISION 15. - ADMINISTRATION AND INTERPRETATION

Sec. 5-1505. - Administrative official.

The administrative official designated to administer and enforce this chapter is the planning and zoning director ("director") or its equivalent, in the event the position title may change, unless otherwise specified herein. All references to the director shall include any designee of the director.

(Ord. No. 2015-09, § 2(Exh. A), 9-21-2015)

Sec. 5-1510. - Numbering of chapter.

The articles of this chapter, as initially adopted, are numbered in multiples of fives (5s) in order to allow for new articles to be added over time without requiring renumbering. For the same reason, divisions of article are also typically numbered in multiples of fives (5s) and sections are typically numbered in tens (10s) as initially adopted. All numbers in between such article, division and section numbers are deemed "reserved" for future use.

(Ord. No. 2015-09, § 2(Exh. A), 9-21-2015)

Sec. 5-1515. - Regulations cited by reference.

Any law, regulation or rule that is referenced in this chapter shall include any amendments to said law, regulation or rule, and shall be read as if the term "as may be amended from time to time" is part of the reference.

(Ord. No. 2015-09, § 2(Exh. A), 9-21-2015)

Sec. 5-1520. - Computation of time.

A. *Beginning and end of period.* In computing any period of time prescribed or allowed in this chapter, the day of the act, event or default from which the designated period of time begins to run shall not be included. The last day of the period so computed shall be included unless it is a Saturday, Sunday or legal holiday, in which event the period shall run until the end of the next day which is neither a Saturday, Sunday or legal holiday.

B. *Weekends and holidays.* When the period of time prescribed or allowed is less than seven (7) days, intermediate Saturdays, Sundays and legal holidays shall be excluded in the computation.

C. *Computation in months.* When the period of time prescribed or allowed is measured in months, the period will run according to the number of months specified without regard for the number of days in each month, and shall end on the day of the last month of the prescribed or allowed period having the same numerical order as the day from which the computation is made. In the event that the last month of the period is too short to contain the day from which the computation is made, the period computed shall expire with the last day of such month. For example, if a four-month period commences on the 31st of May, it would end on September 30th since September has only thirty (30) days.

(Ord. No. 2015-09, § 2(Exh. A), 9-21-2015)

Sec. 5-1525. - Measurements.

When any of the distance or measurement requirements listed below are referred to in this chapter, such distance or measurements will be determined in accordance with this section unless otherwise specified in the provision that contains the measurement.

A. *Other jurisdictions.* Any separation, distance limitation or setback required by this chapter shall be applied without regard to municipal boundaries, and shall be applied in the same manner as if the abutting jurisdictions were part of the city.

B. *Distance separations.* Minimum distance separations required by this chapter shall be measured in a straight line, using the shortest airline distance between two (2) or more locations being measured (i.e. zoning boundaries, properties, buildings, portions of buildings, entrances to buildings, etc., as applicable to each specific provision).

C. *Fractional measurements.*

1. When units or measurements result in a requirement of a fraction, any such fraction equal to or greater than exactly fifty (50) percent shall require the full requirement, unless otherwise provided in the code.
2. When calculating density, any fraction of a unit shall be rounded down to the nearest whole number.

(Ord. No. 2015-09, § 2(Exh. A), 9-21-2015)

Sec. 5-1530. - Conflicting regulations; abrogation.

A. *Third-party restrictions.* It is not intended by this chapter to interfere with or abrogate or annul any easements, covenants or other agreements between parties; provided, however, where this land development code imposes a greater restriction upon the use of buildings premises, or upon the height of buildings, or requires larger open spaces than are imposed or required by other ordinances, rules, regulations or by easements, covenants, or agreements, the provisions of this chapter shall control.

B. *Other laws.* Where this chapter includes regulations on the same point as contained in any other law or ordinance, the provisions of this land development code shall govern unless otherwise prohibited by law; except that where the regulations of the other law or ordinance are more restrictive than those of this chapter, the other shall govern.

C. *Internal conflict.* Where there is a conflict between any regulations within this chapter, the most recently adopted provision shall govern. In the case of provisions adopted concurrently but still in conflict, the more restrictive standard shall apply.

D. *Numeric standards.* Where the numeric and spelled-out expressions of a given standard contained within this land development code are not in agreement, the stricter and least permissive of the two (2) shall prevail. For example, if a minimum yard requirement is expressed as "twenty-five (5) feet," the text, "twenty-five feet" prevails, and if, for example, a maximum height requirement is expressed as "twenty-five (20) feet," the numeric expression, "(20)" prevails.

(Ord. No. 2015-09, § 2(Exh. A), 9-21-2015)

Sec. 5-1535. - Minimum requirements.

In interpreting and applying the provisions of this land development code, they shall be held to be the minimum requirements for the protection, promotion, and improvement of the public health, safety, and general welfare of the community.

(Ord. No. 2015-09, § 2(Exh. A), 9-21-2015)

Sec. 5-1540. - Reduction of required areas prohibited.

A. Except as otherwise provided, the minimum lot area, yards and other open spaces and required areas, including the intensity of use provisions contained in this land development code, for each building erected, added on to, reconstructed or structurally altered subsequent to the enactment of this land development code, shall not be encroached upon or considered as a compliance with lot area, yard or open space requirements, or intensity of use requirements, for any other lot or building.
B. Unless otherwise provided, no lot area, yard or other required space shall be reduced in area or dimension so as to make said area or dimension less than the minimum required by this chapter; and if already less than the minimum required by this chapter for a new structure or use, said area or dimension shall not be further reduced.

(Ord. No. 2015-09, § 2(Exh. A), 9-21-2015)

Sec. 5-1545. - Severability.

Should any article, section, clause or provision of this land development code be declared by a court to be invalid, the same shall not affect the validity of the land development code as a whole or any part of the land development code, other than the part so declared to be invalid.

(Ord. No. 2015-09, § 2(Exh. A), 9-21-2015)

Sec. 5-1550. - Transitional provisions.

A. *Permit issued.* Any building, structure or improvement for which a lawful building permit has been issued prior to the effective date of the ordinance from which this chapter, or any amendment hereto, is derived, may be completed and used in accordance with the plans and specifications upon which said building permit was granted, and such rights shall continue during the life of the permit; provided that if the applicable building permit shall expire or shall be lawfully revoked, such rights shall be lost.
B. *Application but no permit.* Any application for a building, structure, improvement, or use that has been submitted to the city, and which the city has formally determined to be complete, or which the city has reviewed, approved, or both prior to the effective date of this chapter or amendment hereto, shall continue to be required to meet the code regulations in effect at the time of such determination of completeness, review or approval.

(Ord. No. 2015-09, § 2(Exh. A), 9-21-2015)

Sec. 5-1555. - Public purpose uses.

The provisions of the land development code are waived and shall not be applied to the City of Parkland municipal projects, structures or facilities whether the projects, structures or facilities are owned or financed in whole or in part by the city. The city commission may waive, in whole or in part, the requirements of this chapter for the projects, structures and facilities of any governmental entity whether the projects or facilities are owned or financed in whole or in part by the governmental entity. The provisions of the code are not intended, and shall not be construed, to preclude the use of any property owned or controlled by the city for public purpose uses.

(Ord. No. 2015-09, § 2(Exh. A), 9-21-2015)

DIVISION 20. - PERMITS, DEVELOPMENT ORDERS AND CERTIFICATES OF OCCUPANCY

Sec. 5-2010. - Development orders and permits.

A. *Development order required prior to permit issuance.* Any application for a development permit required or authorized under this chapter shall require an effective development order to be granted prior to issuance of the development permit. No permit may be issued that is inconsistent with a development order.
B. *Withholding of development order or permit.* The city shall withhold issuance of development orders and permits when:
    1. There are outstanding code violations on a property, and the property owner has not entered into an order or been found in compliance by the city. Development orders and permits necessary for correcting the violation are not subject to this provision. Any violation of a previously approved development order or permit, including any condition of approval attached thereto, shall constitute such a violation.
    2. The applicant has any delinquent special assessment, utility, code compliance, or other lien by the city against said real estate involved, or any other real estate owned by the applicant or owned by the applicant at the time of the creating of the lien.

In the event of such violations or delinquency, the application for development order or permit shall be administratively processed to completion, but shall not be approved, and applications requiring a public hearing shall not be scheduled for public hearing, until the delinquent lien or assessment has been fully paid, and the violation has been placed into compliance.

C. *Expiration.* Any permit or development order issued pursuant to this chapter, for which an expiration timeframe is not established in this chapter, shall be valid for a period of one hundred eighty (180) days from the date of issuance unless a different expiration is otherwise provided by official action of the city commission or special master. The planning and zoning director may renew such a permit or development order for one (1) additional six-month period subject to compliance with current requirements of the code in effect at the time of application for renewal. After the date of expiration, the development order shall be null and void. A new development application shall be filed and shall be subject to the current requirements of the chapter. Expiration and extension of building permits are under the jurisdiction of the building code.

D. *Denial.* When the planning and zoning director or other administrative official responsible for making a determination under this chapter determines that the applicant's proposed development will not meet the requirements of this chapter, such official shall reject the application for permit, and the applicant may appeal for a reversal of the decision pursuant to article 55, division 15, appeal of administrative decisions. The refusal shall be written and state the reason for denial.

E. *Revocation after violation.* In the event any person violates any of the conditions of a city permit, or any of the provisions of the Code of Ordinances, the city commission may revoke or modify the permit, after conducting a public hearing on the matter for which the city shall notify the permittee in writing at least ten (10) days prior to the hearing.

F. *Revocation due to misrepresentation or withholding of information.* Misrepresentation or withholding of information by an applicant or party to an application, whether intentional or not, shall provide grounds for revocation of any approvals or permits issued based in any part upon the misrepresentation or withheld information.

G. *Fees.*

1. Development permit fees shall be adopted and amended by the city commission from time to time by resolution which shall be kept on file in the city clerk's office.
2. Applications initiated by the city are exempt from the provisions of this section.
3. Charitable, nonprofit organizations may apply for a waiver of the fees contained in this section. Said application shall be on a form provided by the city and shall contain the following information: Name; address and representative of the charitable organization; copy of current nonprofit registration with the state; and, grounds on which application of said fees would work an unnecessary hardship on the organization.
4. The commission may waive the fees contained in this section upon a showing by the charitable organization that said fees are a hardship on said organization and that the city's staff time will not be unduly burdened by the application. The commission may choose to waive the fee entirely or adjust the fee downward upon a showing that staff time will not be unduly burdened. In such case the commission shall appropriate monies from the general fund to reimburse the appropriate fund for the fees being waived.
5. Applications initiated by the city are exempt from the provisions of this subsection.

(Ord. No. 2015-09, § 2(Exh. A), 9-21-2015)

Sec. 5-2020. - Certificate of occupancy.

A. *Certificate of occupancy required.* It shall be unlawful to use or permit the use of any building or premises thereon hereafter created or erected, changed or converted wholly or partly in its use or structure until a certificate of occupancy is issued by the building official.

B. *Improvements to be made prior to issuance.* No certificate of occupancy shall be issued for any principal building unless and until all improvements required by plat, and all improvements shown on the approved site plan, including, but not limited to, common recreational facilities and amenities, have been provided and have passed final inspection by the city, except as follows:

1. For plats and site plans approved for construction in phases by the city commission, this requirement shall apply to the particular phase in which the certificate of occupancy is sought.
2. Improvements for which surety has been provided to the city or county, as applicable, and a binding agreement for the completion of the improvements has been executed between the city and the property owner guaranteeing performance.
3. This requirement shall not apply to the final lift of asphalt pavement and permanent pavement markings.

C. *Repair or reparation for road damage prior to issuance.* Each landowner shall be responsible for any damage caused to the roads within the city as a result of the construction of structures, buildings, ponds, lakes and other improvements upon landowner's land. A certificate of occupancy shall not be issued until any damage that is caused to the roads has been repaired or compensation paid to the city for the repairs. Any roads damaged shall be repaired to the city's latest roadway standards.

(Ord. No. 2015-09, § 2(Exh. A), 9-21-2015)

Sec. 5-2030. - Errors and violations.

A. *Violation not authorized.* The issuance or granting of a permit or approval of plans and/or specifications shall not be deemed or construed to be a permit for or an approval of any violation of any of the provisions of this chapter. No permit presuming to give the authority to violate or cancel the provisions of this chapter shall be valid except insofar as the work or use which it authorizes is lawful.

B. *Enforcement of code.* The issuance of a permit upon plans and specifications shall not prevent the enforcing officer from thereafter requiring the correction of errors in said plans and specifications or from preventing building operations being carried on thereunder when in violation of this chapter or any ordinance of the city.

(Ord. No. 2015-09, § 2(Exh. A), 9-21-2015)

DIVISION 25. - COMPLIANCE AND ENFORCEMENT

Sec. 5-2510. - Compliance required; scope.

A. *All development to comply with code.* No building or structure or part thereof shall hereafter be erected, constructed, reconstructed, maintained, moved, or otherwise, altered; and no existing use, new use or change of use of any building, structure or land or part thereof shall be made or continued; and no land shall be cleared, filled, excavated, moved, paved, or otherwise altered, except in conformity with the provisions of this chapter, and unless first obtaining a permit for such work. The city shall establish all requirements for such permits, including, but not limited to, application requirements, fees, and required inspections, except for fees for permits issued under the building code.

B. *Development orders to conform with code.* No development order or permit shall be issued which is not in conformity with all the provisions of the code and the adopted comprehensive plan.

C. *Uses of land to comply with code.* No license, permit or certificate shall be issued by any department or official of the city, nor authorized agent for the city, for the use of any premises or the operation of any business, enterprise, occupation, trade, profession or activity which would involve, in any way, or constitute, a violation of the code, nor shall any license, permit or certificate be issued upon any premises where there is a violation of the code. The city manager is authorized to require the execution of an agreement for recording where the city manager deems it necessary for enforcement of these regulations.

(Ord. No. 2015-09, § 2(Exh. A), 9-21-2015)

Sec. 5-2520. - Conformance with approved site plan required.

All lots shall be maintained in accordance with the approved site plan, building permit plans and any other city-approved plans unless the city approves subsequent changes pursuant to the procedures and requirements of the code.

(Ord. No. 2015-09, § 2(Exh. A), 9-21-2015)

Sec. 5-2530. - Authority to enforce.

The city manager, city attorney and city commission, as applicable, shall designate city personnel and contractual agents of the city, who shall have the authority to enforce the provisions of the code, including the city's law enforcement agency which may treat violations as it does other violations of city ordinances.

(Ord. No. 2015-09, § 2(Exh. A), 9-21-2015)

Sec. 5-2540. - Method of enforcement.

A. Where it is found that any of the provisions of this chapter are being violated, enforcement proceedings may be initiated against the real property owner, the tenant if applicable, and any other person violating the provisions of this chapter as provided in the code of ordinances and as otherwise provided by law. Any enforcement procedure authorized by the code of ordinances, county or state law, may be used to enforce the provisions of this chapter. It shall be at the discretion of the city to determine which method of enforcement is appropriate and whether more than one (1) method of enforcement should be brought, as provided by law.

B. Further, the city commission or city manager may authorize the city attorney to bring legal action in a court of competent jurisdiction.

(Ord. No. 2015-09, § 2(Exh. A), 9-21-2015)

Sec. 5-2550. - Complaints of violations.

Any person may file a complaint if there is any reason to believe a violation of this land development code exists. All such complaints must be in writing and shall be filed under oath with the code compliance office, which shall properly record such complaint and investigate accordingly.

(Ord. No. 2015-09, § 2(Exh. A), 9-21-2015)

Sec. 5-2560. - Right of entry.

For the purpose of enforcing the provisions of this chapter, officials and inspectors shall have a right of entry as provided by law whenever said officials and inspectors find such entry necessary for the proper discharge of their duties under this chapter. The office of the city attorney is authorized to seek inspection warrants as necessary.

(Ord. No. 2015-09, § 2(Exh. A), 9-21-2015)

DIVISION 30. - MISCELLANEOUS PROVISIONS

Sec. 5-3010. - Authority of city commission to name, rename, number or renumber roads, alleys, etc.

The city commission is authorized and empowered to name or number any road, subdivision street, alley or other thoroughfare within the city limits and to change such names or numbers. The fire marshal is authorized to designate and issue house numbers for properties abutting upon such roads, subdivision streets, alleys or other thoroughfares.

(Ord. No. 2015-09, § 2(Exh. A), 9-21-2015)

Sec. 5-3020. - Nonbinding effect of staff decisions.

An action taken or comment made by any city employee, agent or official, regarding a development for which approval by the city commission is required, is not binding upon the city commission in its review of the application for a development permit; nor does it carry with it any right to approval of the development permit applications.

(Ord. No. 2015-09, § 2(Exh. A), 9-21-2015)

Sec. 5-3030. - Liability.

Any employee, agent or officer charged with the administration or enforcement of this land development code, acting for the city in the discharge of his or her duties, shall not be rendered liable personally, and is relieved from all personal liability for any damage that may accrue to persons or property as a result of any act required or permitted in the discharge of his or her duties. Any suit brought against any employee, agent or officer because of such act performed in the enforcement of any provisions of this land development code shall be defended by the city until final termination of the proceedings.

DIVISION 35. - DEFINITIONS, ABBREVIATIONS, ACRONYMS AND RULES OF CONSTRUCTION

Sec. 5-3510. - Abbreviations and acronyms.

The following acronyms and abbreviations are used in this chapter, and are intended to have the following meanings:

ac	acre
adj	adjacent to
BCLUP	Broward County Land Use Plan
BCPC	Broward County Planning Council
bldg	building
CAB	Community Appearance Board
CFR	Code of Federal Regulations of the United States
du	dwelling unit
FAC	Florida Administrative Code
F.A.R.	floor area ratio

FBC	Florida Building Code, Latest Broward Edition
FFE	Finished Floor Elevation
FLUM	Future Land Use Plan Map of the Comprehensive Plan
ft	foot
F.S.	Florida Statutes
GFA	gross floor area
LDC	land development code
LOS	level of service
LS	landscaping
max	maximum
min	minimum
NVAL	nonvehicular access line
NVGD	National Vertical Geodetic Datum (1929)
pkg	parking
requ	require or required
R.O.W.	right-of-way
sec	section
sq. ft. or sf	square-foot or square feet as determined by context
subsec	subsection
SFR	single-family residence
USC	United States Constitution
VUA	vehicular use area
>	greater than
<	less than
=	equal to
≥	greater than or equal to
≤	less than or equal to

(Ord. No. 2015-09, § 2(Exh. A), 9-21-2015)

Sec. 5-3520. - General construction of terms.

1. Words used in the present tense include the future, words in the singular number include the plural and words in the plural number include the singular number.
2. The word "shall" is always mandatory and not merely directory.
3. The word "may" is permissive.
4. The word "or" shall mean "either or both", or "any or all"" unless the context dictates otherwise.
5. The words "including" and "such as" shall always mean that the listed items following said words are not all inclusive, and shall be read as if the words, "but not limited to" follow, unless the context is qualified and clearly states otherwise (ex: "including only the following:").
6. The word "used" shall include arranged, designed, constructed, altered, converted, rented, leased or intended to be used.
7. The words "designed" and "intended" shall include the word "used."
8. The word "occupied" includes arranged, designed, built, altered, converted, rented or leased, or intended to be occupied.
9. The word "land" shall include water surface and land under the water surface.
10. The phrase "use of land" shall include use of buildings and other structures unless otherwise specified otherwise.
11. The word "lot" shall include the words "plot," "site," "tract" and "parcel".
12. The words "area" and "district" may indicate and include the word "zone."
13. The word "structure" includes the word "building" and the word "building" includes "structure".
14. The word "unit" shall mean "dwelling unit."
15. The word "city" and the place name term "Parkland" shall mean the City of Parkland, Florida.
16. The word, "commission" shall mean the City Commission of the City of Parkland, Florida, which is the governing body of the city.
17. The word "county" shall refer to Broward County, Florida.
18. The word "code" shall refer to this land development code.
19. The term "Code of Ordinances" shall mean the Code of Ordinances of the City of Parkland, Florida.
20. The word "plan" or "comprehensive plan" shall mean the adopted City of Parkland Comprehensive Plan.
21. The phrase "land use plan" shall mean the future land use element of the comprehensive plan.
22. The phrase "land use map" shall mean the future land use plan map of the comprehensive plan.
23. The phrase "land use designation" shall mean one (1) of the several categories of permitted use of land under the future land use element.
24. The word "manager" shall mean the city manager of the City of Parkland, Florida.
25. The word "director" shall mean the planning and zoning director of the City of Parkland, Florida.
26. The terms "city manager"," city attorney"," city engineer", planning and zoning director", or other administrative official of the City of Parkland, Florida, shall include their designees.
27. The terms "Florida Statutes", "Florida Administrative Code", "Florida Building Code", "Broward County Code", "Code of Federal Regulations", "Code of Ordinances", "chapter", "comprehensive plan", and any other official rule or law shall be construed to include the language, "as may be amended from time to time" unless otherwise specified.

(Ord. No. 2015-09, § 2(Exh. A), 9-21-2015)

Sec. 5-3530. - Terms defined.

The terms used herein shall be liberally interpreted in such a way as to require a reasonable application of such term to the circumstance in order to effectuate the public purposes contemplated herein. In the event that definitions contained under particular regulations are inconsistent with or more specific than those set forth in this section, such specific or particular definitions shall prevail. Where words have not been defined, the most recent edition of the Merriam-Webster Unabridged Dictionary shall prevail.

For the purposes of this chapter, the following words and phrases shall have the meanings herein set forth when not inconsistent with the context:

Abandoned or discontinued sign or sign structure. A sign or sign structure is considered abandoned or discontinued when its owner fails to operate or maintain a sign for a period of six (6) months or longer. The following conditions shall be considered as the failure to operate or maintain a sign:

(i) A sign displaying advertising for a product or service which is no longer available or displaying advertising for a business which has ceased operation or failed t a valid business tax receipt for a period of at least ninety (90) consecutive days, or

(ii) A sign which is blank

Access aisle (see drive aisle).

Accessway means a driveway that traverses the perimeter of a vehicular use area, thereby connecting the vehicular use area with, and providing access to, an abutting street, alley or other vehicular use area.

Accessory building or structure means a subordinate building or structure on the same lot with the main building(s) that is occupied by, or devoted to, an accessory use.

Accessory use means a use naturally and customarily incidental to, subordinate to, and subservient to the main use of the premises.

Addition (to an existing building) means any walled and/or roofed expansion to the perimeter of a building in which the addition is connected by at least one (1) common wall.

Adult means a person who has attained the age of at least eighteen (18) years.

Advertising means 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.

Air-conditioning equipment, retail, repairs means the on-premises retail sales and related servicing of air-conditioning equipment and accessories.

Alcoholic beverages, retail sales, means any establishment engaged in the business of selling alcoholic beverages for off-premises consumption only and that has a license for package sales from the state division of beverages and tobacco in the classification of 1-APS, 2-APS, or PS.

Alter or *alteration* means any act of or action changing the size, shape, location, character, occupancy or use of a building or structure.

Alteration, structural means any change, except the repair or replacement, in the supporting members of a building, such as bearing walls, columns, beams or girders or the re-arrangement of any interior partitions affecting more than five (5) percent of the floor area of the building.

Ambulance service, commercial, means any corporation, partnership, sole proprietorship or other entity that operates ambulances and that holds itself out as providing pre-hospital care or medical transportation to persons who are ill or injured or who have disabilities.

Amusements/recreation enterprises (indoor) means a privately operated use which is conducted either wholly in an enclosed structure, and which involves one (1) or more recreational activities, including but not limited to sporting and athletic activities such as paintball, laser tag, arcade games, skating, and the like.

Amusements/recreation enterprises (outdoor) means a privately operated use which is conducted wholly or partially in an unenclosed area, and which involves one (1) or more recreational activities, including but not limited to sporting and athletic activities such as paintball, water activities, skating, sports courts and fields, and the like.

Animal clinic means an establishment providing for the veterinary treatment of ailments of domestic animals other than humans and preventative animal healthcare, and which may include facilities for overnight care and may offer overnight boarding of healthy animals.

Animal grooming means an establishment providing grooming, bathing and related services for domestic pets, not including animal clinics or kennels.

Animated sign means a sign which includes action, motion, or color changes, or the optical illusion of action, motion, or color changes, including signs set in motion by movement of the atmosphere, or made up of a series of sections that turn.

Announcing sign means a temporary on-premises sign announcing a project to be under construction or an intended use of the premises in the immediate future, containing sign copy limited to the project name, the nature of the development, the owner or agent, and/or a telephone number for information about the project.

Antique shop means an establishment engaging in the retail sale of objects having special value or significance because of their age, and belonging to, made in, or typical of an earlier period of history.

Apartment means a dwelling unit in a multiple dwelling consisting of one (1) or more habitable rooms together with kitchen and sanitary facilities.

Appeal means a request for a review of the planning and zoning director's interpretation of any provision of this chapter.

Appearance means the outward aspect visible to the public.

Appropriate means sympathetic or fitting to the context of the site and the whole community.

Approved means authorized as provided by law.

Appurtenances means the visible, functional objects accessory to and part of buildings.

Arcade means a series or row of arches carried on columns or piers.

Archeological zone means an area designated by this chapter which is likely to yield information on the history and prehistory of the city on prehistoric settlement patterns in the city as determined by the results of the Broward County historic survey. These zones will tend to conform to natural physiographic features which were the

focal points for prehistoric and historic activities.

Architectural feature means a prominent or significant part or element of a building, structure, or site.

Architectural style means the characteristic form and detail, as of buildings of a particular historic period.

Art gallery means a room or series of rooms where works of art, including but not limited to paintings, sculptures and photography works, are exhibited.

Art school means an educational institution with a primary focus on education and training in the visual arts, especially illustration, painting, photography, sculpture, and graphic design.

Art supplies means media and materials used by an artist to produce a work.

Articulation means providing variation in building facades through use of recesses, insets, and other similar architectural treatments.

Artists' studio means a place of work for an artist, artisan or craftsperson, including persons engaged in the application, teaching, or performance of fine arts such as but not limited to drawing, painting, sculpture or music.

Assisted living facility means:

A. Any housing facility, including but not limited to adult congregate living facilities, nursing homes, community care facilities, and convalescent homes, licensed by the state department of elderly affairs, agency for persons with disabilities, department of juvenile justice, or department of children and family services or a dwelling unit licensed by the agency for health care administration for more than fourteen (14) individuals who require treatment, care, rehabilitation or education. This includes individuals who are frail elders (as defined in F.S. § 429.65), children who are found to be dependent or in need of services (as defined in F.S. § 39.01(14), F.S. § 984.03(9) or (12), or F.S. § 985.03), physically disabled or handicapped persons (as defined in F.S. § 760.22(7)(a)), developmentally disabled persons (as defined in F.S. § 393.063), or non-dangerous mentally ill persons (as defined by F.S. § 394.455(18));

B. Government subsidized housing facilities entirely devoted to health care of frail elders (as defined in F.S. § 429.65), children who are found to be dependent or in need of services (as defined in F.S. § 39.01(14), F.S. § 984.03(9) or (12), or F.S. § 985.03), physically disabled or handicapped persons (as defined in F.S. § 760.22(7)(a)), developmentally disabled persons (as defined in F.S. § 393.063), or non-dangerous mentally ill persons (as defined by F.S. § 394-455(18)); and

C. Any housing facility which provides a life care environment. A life care environment shall include, but is not limited to creation of a life estate in the facility itself and provision of off-site or on-site medical care.

Attractive means having qualities that arouse interest and pleasure in the observer.

Auction house means an establishment where new or used goods or tangible items, including but not limited to antiques, rugs, jewelry, and art, are sold solely through means of a request or invitation for bids, exclusive of retail and wholesale sales.

Auditorium means an open, partially enclosed, or fully enclosed facility used or intended to be used primarily for spectator sports, entertainment events, expositions, and other public gatherings.

Auto parts, equipment, accessories, new (retail), means an establishment offering unused automotive parts and equipment for retail sale directly to consumers, but no on-premises automobile maintenance or repair activities.

Automobile sales, new and used, means the sale and lease of new and used cars, trucks and motorcycles, including accessory parts sales and service facilities.

Automobile service station means an establishment providing refueling, oil changes and minor maintenance services for automobiles within an enclosed structure, but not including any operation defined as "automotive repair and service" or any other operation similar thereto.

Automobile tires, new, retail, means an enclosed establishment offering sales and installation of new automobile tires.

Automotive repair and service means rebuilding or reconditioning of motor vehicles, including engines and drive trains; collision service including body, frame or fender straightening or repair; painting or paint shop.

Awning and canvas shop means an establishment that manufactures and sells a roof-like cover, often fabric, metal or glass designed and intended for protection from the weather or as a decorative embellishment, and which projects from a wall or roof of a structure over a window, walk, door or the like.

Bank means a business establishment in which money is kept for saving or commercial purposes or is invested, supplied for loans, or exchanged.

Banner means a sign that cannot be considered a flag, having characters, letters or illustrations, if any, applied to cloth, paper, plastic, or fabric of any kind, with only such material for backing.

Bar, cocktail lounge or saloon means any place devoted primarily to the retailing and drinking of malt, vinous or other alcoholic beverages; or any place where any sign is exhibited or displayed indicating that alcoholic beverages are obtainable for consumption on the premises.

Barren means lacking vegetation.

Basement means that portion of a building having its floor below ground level on all sides.

Bedroom means a room within a dwelling intended for sleeping purposes.

Beekeeping means the practice of intentional maintenance of honeybee hives.

Berm means a linear earthen mound three (3) or more feet in height, designed to provide visual interest, screening, buffering or all of these.

Berm height means the vertical distance from the established grade to the top surface of the berm, or from the grade at the toe of the berm to its top surface, whichever elevation is higher. Whenever a minimum berm height is prescribed in this chapter, it shall apply to the entire berm excluding interruptions to accommodate street crossings, canal crossings and other such features, and excluding the transitional slopes at the ends of the berm.

Bicycle shops means an enclosed retail establishment offering bicycles and related apparel, parts and accessories for bicycling, and related repair and maintenance services.

Big box retail establishment means any building, or portion thereof, designed for or devoted to retail use which is in excess of twenty-five thousand (25,000) square feet measured from inside the exterior walls.

Billboard means a structure utilized for advertising an establishment, an activity, a product or service or entertainment which is sold, produced, manufactured, available or furnished at a place other than on the property on which said sign is located.

Billiard room means a business providing public access to hourly-rental or coin-operated billiard tables.

Bingo parlor means a location where bingo games are conducted in accordance with F.S. ch. 849.

Blemish means a noticeable imperfection that significantly impairs appearance and is not part of the original design or condition.

BMP means best management practice, particularly as it pertains to the use of natural and man-made devices used for erosion and sedimentation control.

Boarding stable means a facility that is used for the feeding, housing, training, breeding and exercising of horses whether owned by the property owner or by another for which the owner of the premises receives compensation for such when not owned by the owner.

Boat and marine motor sales and service means an establishment that provides retail sales of boats, marine engines and accessories, and related services necessary for repair and maintenance of boats and marine engines.

Boat manufacturing means an establishment that manufactures boats.

Boat rental means a facility that provides for daily or weekly rental of boats and incidental storage and maintenance of boats available for rental.

Bookstore means a retail establishment that, as its primary business, engages in the sale, rental or other charge-for-use of books, magazines, newspaper, greeting cards, postcards, videotapes, computer software, or any other printed or electronically conveyed information or media, excluding any "adult bookstore," "adult theater," "theater" or "studio theater."

Botanical garden means a public or private facility for the demonstration and observation of the cultivation of flowers, fruits, vegetables or ornamental plants.

Bowling alley means an establishment that devotes more than fifty (50) percent of its gross floor area to bowling lanes, equipment, and playing area, or any establishment where the activity of bowling is the principal use.

Breezeway means a porch or roofed passageway open on the sides, for connecting two (2) buildings or parts of a building.

Broward County Land Use Plan means the future land use plan element for all of Broward County adopted by the Broward County Board of County Commissioners in conformance with the requirements of the Broward County Charter and the Local Government Comprehensive Planning and Land Development Regulation Act.

Broward County Trafficways Plan means the plan promulgated by the Broward County Planning Council pursuant to Chapter 59-1154, Laws of Florida, as amended and the Broward County Charter, which depicts a network of trafficways for Broward County. A principal purpose of the trafficways plan is to establish future cross-sections and requirements for roads of regional significance.

Building means a roofed structure enclosed on all sides by walls and covered openings such as doors and windows, which is used or designed for the shelter or enclosure of persons, animals, or property. The term is inclusive of any part thereof. Where independent units with separate entrances are divided by party walls, each unit is a building.

Building code means the Florida Building Code, as amended, as adopted by the county commission and the same is herewith adopted as the official building code of the city.

Building frontage means the distance across the front of a building at average or mean ground level.

Building height means the vertical distance from the established grade to the highest point of the roof surface for a flat roof, to the deckline for a mansard roof and to the mean height level between eaves and ridge for gable, hip and gambrel roofs. Chimneys, cupolas, elevator shafts and certain other rooftop structures are not calculated as part of the building height, but are subject to separate height allowances in section 20-40, exclusions from height limits. This definition also applies to roofed structures.

Building line means a line formed by the intersection of a horizontal plane at an average grade level and a vertical plane that coincides with the exterior surface of the building on any side. The term shall refer to the outermost exterior surface of a building on any given side unless otherwise provided (i.e. main building line). In case of a cantilevered section of a building, the vertical plane will coincide with the most projected surfaces. All yard requirements are measured to the building line.

Building line, main, means the building line formed by the portion of a building face that constitutes the majority of the applicable side of the building. In the absence of such a predominant building face, the main building line shall be the average of the building lines formed by the side of a building.

Building supplies, retail, means a place of business for selling retail building supplies.

Building, attached, means a building which has one (1) or more party walls in common with adjacent buildings.

Building, detached, means a building which has no party walls.

Building, enclosed, means a building separated on all sides from adjacent open space or from other buildings or other structures by a permanent roof and exterior walls or party walls, perforated only by windows and doors.

Building, multiple-tenant, means a building designed and used for occupation by multiple nonresidential entities such as businesses or organizations.

Building, single-tenant, means a building designed and used for occupation by a single nonresidential entity such as a business or organization.

Building, principal, means a building that is occupied by, or devoted to, a principal use, or a proposed addition to an existing principal building that is the same size or larger than the existing building.

Business means any commercial enterprise, whether for profit or not for profit, or any operation having or required to have a business tax receipt.

Campers, mobile homes; storage and sales means an establishment engaged in the storing and sales of campers and mobile homes.

Car wash means the use of a site for washing and cleaning of passenger vehicles, recreational vehicles or other light duty equipment.

Carpets or rug cleaning establishments means a business that cleans carpets or rugs at the customer's home, office or other establishment.

Carport means a private garage not completely enclosed by walls and doors.

Catering services means an establishment that prepares and supplies food to be consumed off premises at a different location, but not from the vehicle in which the food is transported.

Cattle or stock raising means the breeding, feeding and general care of livestock on a farm.

Certificate of recognition means a certificate issued by the historic preservation board recognizing properties designated pursuant to this chapter.

Certificate to dig means a certificate that gives the historic preservation board's permission for certain digging projects that may involve the discovery of as yet unknown or known archeological sites in an archeological zone.

Certificates of appropriateness means a certificate issued by the historic preservation board permitting certain alterations or improvements to a designated property.

Change of occupancy means a discontinuance of an existing use and the substitution therefor of a use of a different kind or class. Change of occupancy is not intended to include a change of tenants or proprietors unless accompanied by a change in the type of use.

Charter boats means a watercraft holding itself out to the public for rent or charter for a specified fee or charter price, with an authorized operator on board at all times, and ready to leave the dock with the charter party. Such boat shall be available to the public in general upon payment of the specified fee, must so equip itself to be suitable for the purpose for which chartered, and must be primarily used for charter or rent.

City means the City of Parkland, Florida, a political subdivision of the State of Florida, Broward County, within which these standards apply, and in whose area of jurisdiction the work is to be performed.

City commission means the city commission of the City of Parkland.

City inspector means an authorized representative of the city or city's, qualified engineering consultant, or designee that performs engineering related inspections as needed in compliance with applicable standards.

Club, private, pertains to and includes those associations and organizations of a fraternal or social character not operated or maintained for profit. The term "private club" shall not include casinos, nightclubs, restaurants or other institutions operated as businesses. (See nightclub.)

Code compliance officer means any employee or agent of the City of Parkland duly authorized by the city manager to enforce city ordinances.

Cohesiveness means unity of composition between design elements of a building or a group of buildings and the landscape within a development.

Colonnade means a row of columns supporting an entablature and usually one (1) side of a roof.

Commercial building or structure means any building or structure (as defined by the Florida Building Code) devoted to or serving as part of a commercial or business venture or used for a business for which a business tax receipt is required.

Commercial development means a project consisting of one (1) or more buildings and/or structures designed or used for business purposes, and typically located in a commercial zoning district. Each commercial development is located within a single plat and site planned as a single entity, provided that there may be outparcels identified within the site plan that may receive separate site plan approval.

Commercial message means any sign wording, logo, or other representation or image that directly or indirectly names, advertises, or calls attention to a product, service, sale or sales event or other commercial activity.

Commercial district or commercial zoning means any of the districts listed in section 10-10, classes and symbols, and any commercially developed properties within a PUD.

Commercial vehicle:

A. The term "commercial vehicle" means any vehicle which is used primarily for non-personal business activities. Outside lettering or logos on any such vehicle designating a business of any kind shall be one (1), but not the only, method of establishing its commercial status. The following types of vehicles shall be considered commercial for purposes of this section:
    1. Truck cab;
    2. Semitrailer;
    3. Tractor crane;
    4. Power shovel;
    5. Well driller;
    6. Bus;
    7. Taxi, limousine and other vehicles for hire;
    8. Ambulance;
    9. Wrecker (tow truck);
    10. Hearse; and
    11. Any other vehicle meeting the above definition.
B. The term "commercial vehicle" shall not apply to the following:
    1. Vehicles parked in city storage facilities or city vehicles of any kind;
    2. Vehicles parked in duly authorized and properly licensed commercial establishments that engage in the sale or lease of motor vehicles;
    3. Vehicles which have an active commercial or business purpose for which the owner or person having the use of said vehicles holds a current and valid occupational license for a business location within the commercially zoned district.

Common open space (see open space, common):

Community residential home, Type 1, means a dwelling unit licensed to serve clients of the state department of elderly affairs, agency for persons with disabilities, department of juvenile justice, or department of children and family services or a dwelling unit licensed by the agency for health care administration which provides a living environment for no more than six (6) individuals who operate as the functional equivalent of a family, including such supervision and care as may be necessary to meet the physical, emotional and social needs of residents. Residents may include frail elders (as defined in F.S. § 429.65), children who are found to be dependent or in need of services (as defined in F.S. § 39.01(14), F.S. § 984.03(9) or (12), or F.S. § 985.03), physically disabled or handicapped persons (as defined in F.S. § 760.22(7)(a)), developmentally disabled persons (as defined in F.S. § 393.063), or non-dangerous, mentally ill persons (as defined by F.S. § 394.455(18)).

Community residential home, Type 2, means a dwelling unit licensed to service clients of the state department of elderly affairs, agency for persons with disabilities, department of juvenile justice, or department of children and family services or a dwelling unit licensed by the agency for health care administration which provides a living environment for seven (7) to fourteen (14) individuals who operate as the functional equivalent of a family, including such supervision and care as may be necessary to meet the physical, emotional and social needs of residents. Residents may include frail elders (as defined in F.S. § 429.65), children who are found to be dependent or in need of services (as defined in F.S. § 39.01(14), F.S. § 984.03(9) or (12), or F.S. § 985.03), physically disabled or handicapped persons (as defined in F.S. § 760.22(7)(a)), developmentally disabled persons (as defined in F.S. § 393.063), or non-dangerous, mentally ill persons (as defined by F.S. § 394.455(18)).

Compatibility means land uses (which shall include the structure to be constructed and the use to be made of the property) that are congruous, similar and in harmony with one another because they do not create or foster undesirable health, safety or aesthetic effects arising from direct association of dissimilar, contradictory, incongruous, or discordant activities or structures, including the impacts of density, intensity of use, traffic, hours of operation, aesthetics, noise, vibration, smoke, offensive odors, mass, shadow effect, the location of structures in proximity to residential dwellings and other land use conditions or conditions which are likely to have a detrimental impact on the existing uses on lands adjacent to the site in question. For purposes of architectural review, compatibility shall refer to harmony in the appearance of two (2) or more external design features in the same vicinity.

Comprehensive plan means the adopted City of Parkland Comprehensive Plan, as may be amended from time to time, which is the official statement of the city that sets forth goals, objectives and policies intended to direct the present and future physical, social, and economic development that occurs within the city.

Concurrency means the statutory requirement that public facilities and services needed to support development shall be available at the same time or coincidental with the impacts of such development, as provided by law.

Concert hall means a large room where concerts or other performances are given.

Conservation means the protection and care that prevent destruction or deterioration of historical or otherwise significant structures, buildings, or natural resources.

Conservatories, art and music means a school of music and dramatic art.

Consignment store means stores which sell non-donated items such as art work, used musical instruments, antiques, a particular class of items that could be fairly characterized as vintage due to their association with a particular time in history or period of production, or other luxury items whether new or used; provided that a pawn shop as defined in F.S. § 539.001 shall not be considered a consignment store.

Consistency means all aspects of a development permitted by a development order are compatible with, and further, goals, objectives, policies, land uses, and densities or intensities of the comprehensive plan.

Contractor means the duly qualified person, firm or corporation responsible for the construction of the permitted work.

Construction, commencement of means the pouring of foundation slab or footings for a building or structure, whichever occurs first, unless otherwise provided in this chapter.

Construction sign means a temporary on-premises sign identifying the ongoing construction activity during the time that a building or engineering permit is active and prior to completion of the work for which the permit was issued, containing sign copy is limited to the ongoing construction activity and identifying the contractor and/or any subcontractor engaged to perform construction activity on the site.

Convalescent home means a building or portion thereof, wherein, for compensation, living accommodations and care are provided for persons suffering from illness, other than mental or contagious disease which is not of sufficient severity to require hospitalization, or for persons requiring further institutional care after being discharged from a hospital, other than a mental hospital.

Convenience store means a retail establishment, generally five thousand (5,000) square feet or smaller, that sells a variety of convenience goods, such as prepackaged snack and food items, tobacco, periodicals, beverages, household goods, automobile accessories, hardware, pharmaceutical items, prepared foods for take-out, and other popular, non-specialty items that consumers generally use or consume frequently, or require on short notice, and which stocks smaller varieties of any type of good than would ordinary general purpose stores or specialty stores such as grocery stores, home supply stores, drugstores, and hardware stores. Convenience stores are often associated with another use, such as service stations or fast-food restaurants.

Copy means the linguistic or graphic content of a sign.

Corn raising means the growing or production of corn.

Cornice means any molded projection which finished or crowns the part to which it is attached.

Costumers, rental means a business that rents costumers for plays, masquerades or the like.

Cul-de-sac or *dead-end street* means a street with only one (1) inlet/outlet and terminating at the opposite end with or without a circular or other turnaround.

Customer service area means that portion of a restaurant other than the kitchen, storage areas, rooms exclusively used for electrical equipment or other utility purposes and enclosed stairwells and elevator shafts.

Dance academy means a school where dance classes are taught. Similar uses include, but are not limited to, studios for group exercise, martial arts, cheerleading, and gymnastics.

Day care center means a nonresidential facility that provides supervision and care of persons for periods of less than twenty-four (24) hours a day.

Debris means scattered and broken pieces.

Demolition means the complete constructive removal of a building and/or structure.

Density means the number of dwelling units permitted or to be developed, divided by the number of acres within the development parcel or portion thereof being devoted to residential use, including the internal roads, waterways, areas dedicated for public purposes, accessory uses and structures, and the rights-of-way of adjacent roadways dedicated to the public that are attributable to the development parcel, typically measured to the centerline of the ultimate right-of-way section of the roadway. This is also known as gross density. All density regulations in this chapter are gross density unless otherwise specified.

Dental clinic means a facility for provision of the services of dentists, dental hygienists and orthodontists.

Dental laboratory means a facility for the design, manufacture and repair of dental implements and prosthetics including, but not limited to, dentures, crowns, bridges, and dental implants.

Department store means a retail store which stocks and sells a variety of goods and merchandise which is organized within separate departments.

Deterioration means the condition or appearance of any structure or grounds, or parts thereof, characterized by holes, breaks, rot, crumbling, cracking, peeling, rusting or other evidence of physical decay, neglect or lack of maintenance which was not part of the original design or condition.

Developer means any person, including a governmental agency, undertaking any development.

Development means the carrying out of any building activity or mining operation, the making of any material change in the use or appearance of any structure of land, or the dividing of land into two (2) or more lots. The term "development" includes all other development customarily associated with it unless otherwise specified. When appropriate to the context, the term "development" refers to the act of developing to the result of development. Reference to any specific operation is not intended to mean that the operation or activity, when part of other operations or activities, is not development. Reference to particular operations is not intended to limit the generality of this definition. The term "development" means any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavating, drilling operations, or permanent storage of material.

Development order means any order granting, denying, or granting with conditions an application for a development permit.

Development permit includes any building permit, zoning permit, engineering permit, subdivision or plat approval, rezoning, special exception, variance or other official action of the city having the effect of permitting development, 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 latest edition of the Florida Building Code, Broward Edition, as may be amended from time to time.

Diaper and linen services means a business that supplies and launders diapers and linens.

Dispense or *dispensing* means the transfer of possession of one (1) or more doses of a controlled substance identified in Schedule II, III, or IV in F.S. § 893.03, 893.035, or 893.0355, as may be amended from time to time, by a pharmacist, health care practitioner or any other person to the ultimate consumer thereof or to one who represents that it is his or her intention not to consume or use the same but to transfer the same to the ultimate consumer or user for consumption by the ultimate consumer or user.

District means a portion of the city within which certain uniform regulations and requirements of various combinations thereof apply to the improvement or use made or to be made of the land under the provisions of these land development regulations. The term shall also mean a collection of archeological sites, buildings, structures, landscape features or other improvements that are concentrated in the same area and have been designated as a district pursuant to this chapter.

Dormer means a small house-like structure that projects from a roof and includes a window.

Drawings means detailed precise plans of proposed improvements that are prepared by a licensed engineer, architect, landscape architect or other qualified professional that are typically drafted according to a specified scale, and are signed and sealed by the qualified professional when required by law. With respect to engineering drawings, same shall relate to all proposed underground utilities, including water, wastewater, drainage, cable, telephone, electric, and gas main materials and installation; roadways, landscape, lighting, and/or any other drawings or plans necessary for site development activities.

Drive aisle, access aisle and *parking aisle* mean an element of an off-street, internal vehicle circulation system that provides direct vehicular access to off-street parking spaces and which connects to a driveway.

Driveway means an element of an off-street, internal vehicle circulation system that connects the vehicular use area to a street. Within relatively large vehicular use areas, a driveway connects the various elements of a vehicular use area such as access aisles, fire zones, drop-off areas and loading areas to each other and to the street, and generally serves to channel traffic throughout a site instead of providing direct access to off-street parking spaces.

Drive-in bank means a bank, as defined in this section, which includes facilities to allow customers to receive banking services, including the receipt of monies and making of deposits, while remaining within their motor vehicles.

Dry cleaning and pressing, pickup and delivery of garments only means a storefront for drop-off and pick-up of clothing and textiles that are dry cleaned and pressed at an off-site location, and which may offer pick-up and delivery service.

Dry cleaning plant, traditional means an establishment where traditional dry cleaning processes and chemicals, such as petroleum based chemicals, are applied to garments and other items for cleaning.

Dry cleaning plant, environmentally friendly means an establishment where environmentally friendly liquid silicone solvents or equivalent dry cleaning processes are applied to garments and other items for cleaning. Environmentally friendly solvents specifically exclude petroleum based chemicals.

Dumpster means a refuse collection and storage container of one (1) cubic yard or more.

Dwelling means any building or part thereof occupied in whole or in part as the residence or living quarters of one (1) or more persons, permanently or temporarily, continuously or transiently.

Dwelling, multiple-family, means a dwelling containing three (3) or more dwelling units, other than a townhouse dwelling.

Dwelling, single-family, means a dwelling containing one (1) dwelling unit on its own lot of record.

Dwelling, single-family attached, means one (1) of two (2) single-family dwellings that share one (1) party wall in common.

Dwelling, single-family detached, means a single-family dwelling that has no party walls. Also referred to as single-family residence.

Dwelling, two-family, means a dwelling containing two (2) dwelling units.

Dwelling, townhouse, means one (1) of a series of at least three (3) single-family dwellings arranged side-by-side in a row.

Dwelling unit, means a house, apartment, condominium unit, trailer, group of rooms or single room intended for occupancy as a separate living quarter with direct access from the outside of the building or through a common hall and with complete kitchen and bathroom facilities for the exclusive use of one (1) family.

Educational or vocational institution means an institution for the educational instruction of children or adults, encompassing academic or vocational learning, and including accessory facilities. The term "educational or vocational institution" shall include kindergarten through secondary schools, whether public or private, as well as academic institutions of higher learning and vocational training, but shall exclude day care facilities.

Efficiency apartment means an apartment of not more than one (1) habitable room with kitchen and bathroom facilities.

Election sign. See Political sign.

Electrical means all work, materials and/or system of electrical wiring for use of light, heat or power, and all appurtenances, apparatus or equipment used in connection therewith, inside of or attached to any building or structure, lot or premises.

Electrical, general contractors, plumbing and air-conditioning shops means an establishment offering services that include electrical, general contractors, plumbing and air-conditioning.

Electronics repair shop means an establishment offering services including the repair of consumer electronics (including, but not limited to, radios, stereos, computers and the like).

Electroplating means the process of coating the surface of a conducting material with a metal. During the process, the surface to be covered acts as a cathode in an electrolytic cell, and the metal that is to cover it acts as an anode. Electroplating is usually used to cover a less expensive metal with a more expensive metal, or to cover a corrosive metal with a less corrosive or noncorrosive metal.

Employment agency means a professional business office where interviewing, testing, referring and other administrative functions relating to professional, technical, administrative or clerical employment and hiring are performed. No activities are conducted outside the building, and employees do not typically report to the location prior to going to a jobsite.

Engineer of record means the engineer duly registered in the state, or his/her representative, whose plans and specifications have been approved by the city engineer.

Entablature means the part of a classical building between the tops of the columns and the roof.

Essential services means localized utility facilities that are typically found in residential neighborhoods as well as nonresidential developments, including but not limited to: Potable water and sanitary sewer pipes; sanitary sewer lift stations; cable TV, internet and telephone conduit; transformer cabinets; power lines and power poles; street lights; and, natural gas pipes; but specifically excluding potable water and wastewater treatment, power plants, electric substations and transmission facilities, solid waste disposal, sorting and transfer stations, hazardous (medical or similar uses) waste; and, public safety facilities such as fire stations and police stations.

Established grade means the average elevation of the public sidewalks around or abutting a plot; or, in the absence of sidewalks, the average elevation of the public streets abutting the lot, as measured at the crown of the road.

Excavation means the digging, stripping or removal by any process of natural materials or deposits from their natural state and location.

External design feature means the general arrangement of any portion of a building, sign, landscaping, or structure and including the kind, color, and texture of the materials of such portion, and the types of roof, windows, doors, lights, attached or ground signs, or other fixtures appurtenant to such portions as will be open to public view from any street or abutting lot.

Exterior means all outside surfaces of a building or structure.

Exterior building component means an essential and visible part of the exterior of a building.

Family means any of the following living together as a single housekeeping unit in a dwelling unit: An individual; two (2) or more persons related by legal adoption, blood or a licit marriage; or a group of not more than three (3) persons who need not be related by blood or marriage.

Farm means the land, buildings, support facilities, machinery, and other appurtenances used in the production of farm products when such land is classified agricultural pursuant to F.S. § 193.461.

Farm building or structure. The term "farm building" or "structure" means any building or structure located on a plot classified as a farm, which is used to house or store farm products or materials and equipment necessary to farm operations. A farm structure shall also include fences, walls and hedges along the plot line of a farm.

Farm operation. The term "farm operation" means and includes all conditions or activities by the owner, lessee, agent, independent contractor, and supplier that occur on a farm in connection with the production or marketing of a farm's products.

Farm product. The term "farm product" means any plant, as defined in F.S. § 581.011, any animal, except household pets, useful to humans including any product derived therefrom, the cultivation of crops, groves, thoroughbred and pleasure horse ranches, including horse boarding, private game preserves, fish breeding areas, tree and plant nurseries, cattle ranches, and other similar activities involving livestock or poultry.

Faux means a false/nonfunctional but decorative architectural treatment.

Fence means a continuous barrier which encloses or shields a particular use.

Fenestration means the arrangement of windows and doors in a building to provide interior light; also used as decorative elements in a facade.

Fertilizer stores, retail means a business whose sales are restricted to retail, including such items as insecticides, manure and fertilizer that must be packaged to be easily handled and free from unreasonable objectionable odors.

Final plat (see plat, final).

Finished grade means the top surface of lawns, walks, and drives, or other improved surface after completion of construction or grading operations.

Fire hazard means anything or any act which violates the prevailing fire codes of the city or state.

Flag means any fabric or bunting containing distinctive colors, patterns, or symbols, used as the official symbol of a government, political subdivision, or other entity.

Flashing sign means a sign which permits lights to be turned on or off intermittently more frequently than once per minute

Floor means the top surface of an exposed area in a building, including the basement (i.e., top-of-slab in concrete-slab construction or top-of-wood flooring in wood-frame construction). The term "floor" does not include the floor of a garage used solely for parking vehicles. The term "floor" also means a horizontal division of a building that is habitable (i.e., a story).

Floor area means:

A. Where a specified minimum floor area is required in the land development regulations for a dwelling unit, and for the purpose of limiting the size of guest houses, the term "floor area" shall mean the total gross area within the external perimeter of the exterior enclosed walls, including Florida rooms, sunrooms and utility rooms which are fully enclosed and directly accessible from the interior of the dwelling but excluding other utility rooms, unenclosed or screened porches, terraces, breezeways or other rooms and carports or garages unless otherwise provided in this chapter;

B. The total gross area of all the floors in a building, including mezzanines, measured from the interior of the exterior walls.

Footcandle means the unit of measure expressing the quantity of light received on a surface. One (1) footcandle is the illuminance produced by a candle on a surface one (1) foot square from a distance of one (1) foot.

Footlambert means the centimeter gram second unit of brightness equal to the brightness of a perfectly diffused surface that radiates or reflects one (1) lumen per square centimeter.

Forest means an ecosystem characterized by a more or less dense and extensive tree cover consisting of a minimum of two and one-half (2½) acres often consisting of stands varying in characteristics such as species, composition, structure, age, class and associated processes and commonly including meadows, streams, fish and wildlife.

Forestry means the profession embracing the science, art, and practice of creating, managing, using, and conserving forests which contain a minimum of two and one-half (2½) acres and associated resources for human benefit and in a sustainable manner to meet desired goals, needs, and values.

Freestanding sign means a self-supported structure not attached or fixed in any way to a building or any other structure.

Future right-of-way line means the street line as prescribed in this chapter, the comprehensive plan, the future right-of-way line of any street already established by partial or complete dedication, or the line of trafficway designated by ordinance and the regulations of the city or the then-prevailing county trafficways plan.

Game court means a structure having a playing surface, paved or unpaved, with or without enclosing fences, designed to be used for playing or practicing tennis, badminton, volleyball, paddle tennis, handball, baseball, batting, racket ball, squash, basketball, or similar games.

Garage, community, means a structure or part thereof used for indoor parking of self-propelled private passenger vehicles for the use of residents in the vicinity and providing only incidental services for such vehicles as are parked therein.

Garage, private, means a building or part thereof used for inside parking of self-propelled private passenger vehicles by the occupants of the main building.

Garbage means the animal and/or vegetable waste resulting from the handling, preparation, cooking, and/or consumption of food; and wastepaper, plastic or related materials used in the packaging and preparation of foods.

Glass and mirror shop means an establishment that sells and/or repairs glass and mirrors.

Golf courses, miniature, means a theme oriented recreational facility, typically comprised of nine (9) or eighteen (18) putting greens, each with a "cup" or "hole," where patrons in groups of one (1) to four (4) pay a fee to move in consecutive order from the first hole to the last.

Good state of repair means that a building, structure or lot is safe and habitable for its ordinary and intended use, and that the materials used in any structure or fixture are sound, stable and conform to its original purpose and performing the function for which intended and does not contain evidence of deterioration.

Graphic element means a letter, illustration, symbol, figure, insignia, or other device employed to express and illustrate a message or part thereof.

Grade (see established grade or finished grade).

Greenhouse means an accessory structure or enclosed building, permanent or portable, which is used for the growth of plants consisting of a glass or hard plastic enclosure used to protect plants from insects, heat, cold and exposure to the sun.

Grove means a group of five (5) or more trees planted and cultivated for the production of fruit or nuts.

Guest house means a structure or any part of a structure ancillary to a detached single-family dwelling unit, excluding mobile homes, and located on the same lot as the principle dwelling unit, that is occupied or designed, in whole or in part, as the temporary residence or living quarter of one (1) or more gratuitous guests. This definition shall include any such living quarter that is connected to the principal dwelling unit by an open or enclosed breezeway or other structure that serves to merely connect the guest quarter to the principal dwelling, as contrasted with a customary home addition that is physically and functionally integral to the principal dwelling. If a temporary or permanent residence or living quarter does not meet the definition of "guesthouse," it shall be deemed to be a dwelling unit for purposes of density calculation.

Guidelines for preservation means criteria established by the historic preservation board to be used in determining the validity of applications for a certificate of appropriateness and any certificate to dig and to establish a set of guidelines for the preservation of buildings in the city.

Guns, retail, means an establishment providing for the retail sale and/or servicing of firearms, ammunition, knives and related accessory items.

Gymnasium means an establishment that provides facilities for exercise and personal health training and fitness, including but not limited to rooms and equipment for sports, weight training, game courts, swimming pools, rooms where licensed massage services are provided, saunas, locker rooms and showers.

Hardscape means elements added to natural landscape such as paving stones, walkways, fountains, artwork, benches, trash receptacles, lighting, and other similar items that accentuate, but do not dominate the natural landscape.

Hardware store means a retail establishment which sells household hardware including: fasteners, hand tools, power tools, keys, locks, hinges, chains, plumbing supplies, electrical supplies, cleaning products, housewares, tools, utensils, paint, and lawn and garden products directly to consumers.

Harmony means a quality that represents an appropriate and congruent arrangement of parts, as in an arrangement of varied architectural and landscape elements.

Hatchery, fish or fowl, means a place where eggs, especially those of fish or poultry, are hatched.

Hazardous substances means any substance or material which, by reason of its toxic, caustic, corrosive, abrasive, volatile or otherwise injurious properties, may be detrimental or deleterious to the health or safety of any person handling or using or otherwise dealing with such material or substances.

Health club. See Gymnasium.

Health spa means a commercial establishment without accommodations that offers facilities for health and fitness including massage (as defined in F.S. § 480.033(3)). A facility meeting the definition of a gymnasium which provides massage shall only be considered a health spa for the purpose of the restrictions contained in this section.

Heavy commercial vehicle means any vehicle in excess of one (1) of the following: (a) fifteen thousand (15,000) pounds gross vehicle weight ratio; or (b) eight (8) feet in width; or (c) eight (8) feet in height, or (d) twenty-two (22) feet in length. It may or may not have outside lettering or logos displaying information identifying a business. Heavy commercial vehicle also shall mean other vehicles used for non-personal use of any kind that may not precisely meet the above criteria, including, but not limited to:

A. Tractor crane;
B. Power shovel;
C. Well driller and other such vehicles so constructed and designed as a tool and not a hauling unit, even if such equipment may be used on the roads and highway incidental to the purposes for which designed;
D. Wrecker/tow truck;
E. Semi-trailer;
F. Flatbed truck;
G. Except in the A-1, AE-1 and AE-2 zoning districts motor vehicles modified, altered or customized for the purposes of a commercial business, so that supplies, equipment or materials are visible, including, but not limited to, plumbing, irrigation, mirror and glass, bucket trucks and other trade vehicles. Racks installed on vehicles in excess of twelve (12) inches above permanent roofline or vehicle bed topper will be classified as equipment. Vehicle beds or bed toppers that are made to permit side accessibility to tools, supplies, equipment, etc., even though these enclosed items are not visible are considered heavy commercial vehicles;
H. Except in the A-1, AE-1 and AE-2 zoning districts cube, box and step vans;

I. Except in the A-1, AE-1 and AE-2 zoning districts dump truck, dump truck body, or rack truck; and

J. Any other vehicle meeting the above definition.

Hedge (see definition in section 95-520).

Height, berm (see definition in section 95-520).

Height, fence, wall or hedge (see section 15-6020, Fence and wall height).

Height, structure (see definition for structure height).

Historic preservation board. The city commission is hereby constituted to be the historic preservation board.

Historic structure means any structure that is:

A. Listed individually in the National Register of Historic Places (a listing maintained by the Department of the Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;

B. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;

C. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or

D. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:

1. By an approved state program, as determined by the Secretary of the Interior; or

2. Directly by the Secretary of the Interior in states without approved programs.

Historic survey means a comprehensive survey compiled by the county historic preservation commission.

Holiday and seasonal decorations means decorations that pertain to legal or other recognized holidays or to a season of the year.

Home appliance repair means an establishment offering services to repair home appliances.

Home occupation means a business conducted entirely within a dwelling and carried on only by persons residing in the dwelling unit, which use is clearly incidental and secondary to the use of the dwelling for residential purposes, does not change the character thereof, and in connection with which there is no display or stock-in-trade.

Homeowners' association means an incorporated, nonprofit organization charged with the maintenance of common facilities and amenities within a residential development through which each property owner within the development is automatically a member and each lot under separate ownership is automatically subject to a charge for a proportionate share of the expense of the organization's activity, such as maintaining open space and other commonly owned facilities such as drainage areas, irrigation systems and landscape buffers. This definition may also be applied to nonresidential developments where land has been subdivided and each property owner must to belong to a similar organization that is responsible for maintaining common facilities.

Horticultural farming means the use of land for the growing or production of flowers and nursery stock, including ornamental plants and cultured sod.

Hospital means a facility licensed by the state which maintains and operates organized facilities for four (4) or more persons for medical or surgical diagnosis, care and treatment of human illness.

Hotel means a lodging accommodation under singular ownership and control, containing sleeping units, each having a private bathroom, where individual stays are typically for one (1) to ten (10) days, for compensation. A hotel has a central inner lobby and front desk for on-site reservations, check-in and check-out, daily cleaning services and on-site management. A hotel may also include additional services such as restaurants, meeting rooms, spas, entertainment and recreational facilities.

Hydroponic garden means a plot of land used for the cultivation of plants in nutrient solution, rather than in soil.

Ice manufacturing and distribution means the preparation and distribution of ice from water, using either natural cold or refrigerators.

Illuminated sign means any sign having characters, letters, figures, designs or outlines illuminated by electric lights or luminous tubes designed for that purpose, whether or not the lights or tubes are physically attached to the sign.

Impervious means any area of land that has been modified to reduce its natural ability to absorb and hold rainfall. Any placement of any nonorganic material which prohibits penetration by liquids or other soluble materials results in the creation of an impervious area.

Improvement or *improving,* in the context of a development site, means the product or act of installing, constructing or otherwise physically modifying land, including erection of any building, paving, installation of utilities, erection of a fence, gate, wall or other structure, clearing of landscaping, demucking, grading, filling, or excavating of land, or other physical addition or change to real property, or any part of such addition.

Individual site means an archeological site, building, structure, place or other improvement that has been designated as an individual site pursuant to this chapter. Under the provisions of this chapter, interior spaces may be regulated only where a building or structure is a designated individual site.

Industrial district means the I-1 Light Industrial District.

Industrial zoning means land designated I-1 on the official zoning map.

Improved surface means land that has been rendered all or partially impervious by virtue of filling, compacting or covering.

Infrastructure or required improvements means construction, striping and signing of streets and parking facilities, installation of potable water distribution and wastewater collection facilities, site grading, installation of guardrails, construction of stormwater retention lakes, secondary and tertiary drainage facilities, and other such improvements that may be required in this chapter.

Internal illumination means a light source concealed or contained within the sign which becomes visible by shining through a translucent surface.

Land means the earth, water and air above, below or on the surface, including improvements or structures located on or in and customarily regarded as land.

Land clearing means the act of removing natural or manmade material from a particular piece of real property. For the purpose of this chapter, land clearing shall not be interpreted to include the removal of dead or undesirable plant material as described elsewhere in this chapter, or mowing of grass.

Land use means the use, development or both that have occurred or are proposed to occur on the land.

Land, platted, means any land that is the subject of a plat that has been recorded in the Public Records of Broward County, Florida, or which may have been recorded in the public records of Dade or Palm Beach counties in the event that the plat predated Broward County's current boundaries.

Landscape and landscaping (see definition in section 95-520).

Landscape feature (see definition in section 95-520).

Livestock means farm animals kept or raised for edible consumption, use, pleasure or profit.

Lodging accommodation means any building, or portion thereof, where transient overnight sleeping accommodation is offered, available or provided to the public.

Logic of design means accepted principles and criteria of validity in the solution of the problem of design.

Lot or *parcel* means land occupied or to be occupied by a building or use and its accessory buildings and accessory uses, together with such yards and open spaces as are required by this chapter, under unified control and identifiable as a single development for the purpose of site planning. A lot may be a single lot of record or may be composed of several contiguous lots of record or portions thereof.

Lot of record means a quantity of real property with specific boundaries that has been established as a single unit by a legal instrument such as a deed and/or plat recorded in the public records of the county, and which is recognized as a separate legal entity for purpose of title transfer.

Lot area means the area contained within the lot lines of a lot.

Lot, corner, means a lot of which at least two (2) adjacent sides abut for their full length upon a street, provided that two (2) such sides intersect at an interior angle of not more than one hundred thirty-five (135) degrees. Where a lot is on a curve, if tangents through the intersections of the lot lines with the street lines make an interior angle of not more than one hundred thirty-five (135) degrees, such a lot is a corner lot. In the case of a corner lot with a curved street line, the corner shall be considered to be that point in the street line nearest to the point of intersection of the tangents herein described.

Lot coverage means that percentage of the lot area exclusive of internal water bodies and private streets or other private vehicular accessways covered or occupied by buildings or roofed portions of structures. Unless otherwise specifically set forth in this chapter, screened enclosures and other appurtenances not roofed over shall not be included when computing lot coverage.

Lot depth means the mean horizontal distance between the front and rear lot lines.

Lot line means any of the boundaries of a lot. Means the same as property line.

Lot line, front, means the line dividing a lot from a street. On a corner lot, the shorter of the two (2) front lot lines as above defined shall be considered to be the front lot line for the purposes of determining required lot width and designating the rear lot line. In the event that both front lot lines as defined above are of equal length, the planning and zoning director shall determine the front lot line, taking into account logistical considerations and the development pattern in the immediate area. On through lots, both front lot lines as above defined shall be considered to be front lot lines.

Lot line, rear, means the lot lines opposite and most distant from the front lot line. In the case of a triangular or gore-shaped lot wherein two (2) side lot lines converge in the rear, the rear lot line shall be considered to be a line ten (10) feet in length within the lot parallel to and at the maximum distance from the front lot line.

Lot line, side, means, except as specifically provided otherwise, any lot line other than a front or rear lot line.

Lot width, means the average distance between side lot lines. Minimum required lot width is a specified dimension measured between the side lot lines at the minimum front setback line. In all cases, lot width is measured parallel to the front lot line.

Machine shop means a workshop where metal is cut and shaped by machine tools; welding shop; tool and die shop.

Mansard roof means a roof that has a double slope on all four (4) sides, the lower slope being longer and steeper than the upper.

Manufacturing, light, means the processing, fabrication, assembly, treatment, packaging, and incidental storage, sales and/or distribution of finished products or parts predominantly from previously prepared materials; excluding basic industrial processing utilizing extracted or raw materials, and excluding storage or manufacturing processes that potentially involve hazardous chemicals, toxic byproducts, air or water emissions, noise, odor, vibration or other offensive conditions detectable outside of the structure housing the light manufacturing operation.

Marquee sign means a sign attached to or hung from a canopy or covered structure projecting from, and supported by a building, when such canopy or covered structure extends beyond the building, building line, or property line.

Massage establishment means any facility licensed pursuant to F.S. § 480.043, that provides massage services. Includes establishments that provide other services besides massages including health spas.

Massage therapist means a person who provides massage services and is licensed pursuant to F.S. § 480.041, and F.A.C. Rule Ch. 64B7-25, as may be amended from time to time.

Master development plan means a complete and exact plan for the development of property which shall indicate existing site features, existing roadways, location, type and intensity of land uses, interior vehicular circulation system and designation for common open space, recreational and similar areas.

Mean sea level means the average height of the sea for all stages of the tide. It is used as a reference for establishing various elevations within the floodplain. For purposes of this chapter, the term "mean sea level" is synonymous with NAVD 88.

Mechanical equipment means equipment and devices that are outside of, and accessory to a building, structure or use, which relate to pool filtration, water supply, drainage, heating, ventilating, air-conditioning, electricity generation, telephone or cable television service, and similar purposes. Examples include, but are not limited to, pool pumps and filters, sprinkler pumps, pool heaters, emergency power generators, and utility boxes.

Mechanical repair shop means an enclosed establishment which provides repair services for mechanical equipment, including but not limited to, lawnmowers, powered equipment and tools, and the like, but not including motor vehicles or vessels.

Medical office (see office, medical).

Milk distributing stations means any person or business who offers for sale or sells to another person any milk, milk product or ice cream store.

Minimum construction and design standards means the comprehensive set of specifications maintained and updated by the city engineer, as may be amended by the city commission from time to time, for governing the minimum requirements for the design and construction of engineering works such as, but not limited to, streets, roads and highways; sidewalks, filling and grading; excavating; bulkheads and seawalls; drainage installations and structures; water control work and water supply; paving installations; curbs and gutters, bridges, overpasses and underpasses; sewage collection and disposal systems; underground utility land line assignment; levees, pumping stations and similar works. Minimum design and construction standards are on file in the public works and engineering department.

Minimum standards means the minimum acceptable construction criteria for projects under the jurisdiction of the city.

Model sign means a temporary on-premises sign which designates a particular dwelling unit design which is not for sale, but rather represents other units of a similar design that are for sale, containing sign copy limited to the model or complex name, the building-architectural agent, the number of bedrooms and baths, and a telephone number for further information.

Monotony means uniformity or lack of variation; tedious sameness.

Monument sign means a permanent freestanding sign that is architecturally and aesthetically integrated into the overall design of the sign.

Motel means a hotel with access to the individual sleeping units from the exterior of the building, and parking facilities for use of guests near their quarters.

Movie theater means an enclosed establishment which shows motion pictures.

Multiple-family dwelling (see dwelling, multiple-family).

Multiple-family district means any district of the multifamily districts, low-to-medium-density districts listed in section 10-10, classes and symbols.

Nameplate sign means a sign indicating the name and/or profession or address of a person or persons residing on the premises or legally occupying the premises.

National Register of Historic Places means a federal listing maintained by the U.S. Department of the Interior of buildings, sites, structures and districts that have attained a quality of significance as determined by the Historic Preservation Act of 1966, as amended.

New construction means structures for which the start of construction commenced on or after the effective date of the ordinance from which this chapter is derived.

Nicotine vaporizer means any electronic or battery-operated device which can be used to deliver an inhaled dose of nicotine, or other substance, and includes those composed of a mouthpiece, heating elements and battery or electronic circuits that provide a vapor of liquid nicotine and/or other substances to the user. This term shall include such devices whether they are manufactured, distributed, marked or sold as electronic cigarettes, electronic cigars, electronic cigarillo, electronic hookah, electronic pipe, an e-cigarette, an e-cigar, an e-pipe, or under any other product name.

Nightclub means a restaurant, dining room, bar or other similar establishment providing food or refreshments wherein floorshows or other forms of entertainment by persons are provided for guests after 11:00 p.m.

Noncommercial message means a noncommercial message is any message, which is not a commercial message.

Noncommercial on-site directional sign means an on-site sign providing direction or information to pedestrian or vehicular traffic that is related or reasonably necessary to the movement of pedestrian or vehicular traffic on the premises, and not displaying a commercial message, e.g., "entrance," "exit," "caution," "no parking," "one way only," "no trespassing," and the like.

Nonconforming sign means a sign or advertising structure existing within the city limits on the date the ordinance from which this chapter derived became effective or a sign or advertising structure existing in an area annexed to the city after the above effective date which by its height, type, content, square foot area, location, use, or structural support does not conform to the requirements of this chapter.

Nonconforming lot means a lot of record that conformed with all lot area and dimensional requirements at the time it was legally subdivided and recorded, but as a result of the subsequent adoption or amendment of these regulations, the lot fails to conform to the present requirements for minimum lot area, dimensional requirements, or both.

Nonconforming structure means a lawfully existing structure, other than a sign, that conformed with all of the setback, height, bulk, coverage, area, separation, open space, design, and architectural standards of the code in effect at the time the structure was established, but as a result of the subsequent adoption or amendment of these regulations, the structure fails to conform to the present requirements.

Nonconforming use means a lawfully established use of land, water or structure, other than a sign, that as a result of the subsequent adoption or amendment of these regulations, is no longer permitted. The casual, temporary, or illegal use of land or structures, or land and structures in combination, shall not be sufficient to establish the existence of a nonconforming use or to create rights in the continuance of such use.

Nonresidential district means any district other than a residential or agricultural district.

Nonresidential use means a principal use of land for other than residential or agricultural use.

Nuisance means anything that causes inconvenience or damage to others, either to individuals or to the general public, or injures the health, safety or welfare of the citizens in general, or corrupt the public morals. Nuisances can include, but are not limited to, noxious smells, noise, burning, misdirection of water onto other property, accumulation of trash, indecent signs, unkempt property, conduct of illegal activities, and other activities, uses or improvements of land that are not compatible with that of the adjacent areas. Nursery means any grounds or premises on or in which nursery stock is grown, propagated, or held for wholesale sale or distribution, except where aquatic plant species are tended for harvest in the natural environment.

Nursery school means a place for the day care and instruction of children not remaining overnight.

Nursing home means a home for aged, chronically ill or incurably ill persons, licensed by the state, in which three (3) or more persons not of the immediate family are received, kept or provided with food and shelter or care for compensation but not including hospitals, clinics or similar institutions devoted primarily to the diagnosis and treatment of the sick or injured.

Office building means an establishment providing executive, management, administrative or professional services, but not involving medical or dental services or the sale of merchandise, except as incidental to a permitted use. Typical uses include property and financial management firms, employment agencies, travel agencies, advertising agencies, secretarial and telephone services, contract post offices; professional or consulting services in the fields of law, architecture, design, engineering, accounting and similar professions; and business offices of private companies, utility companies, public agencies, and trade associations.

Office, medical, means a facility providing services to the public by physicians, dentists, surgeons, chiropractors, pharmacists, osteopaths, physical therapists, nurses, acupuncturists, podiatrists, optometrists, psychiatrists, or others who are duly licensed to practice their respective professions in the State of Florida, as well paraprofessionals, including but not limited to technicians and assistants, who are acting under the supervision and control of a licensed health care practitioner. Retail pharmacies staffed by pharmacists that sell prescription drugs, nonprescription drugs or both and other retail goods for sale to the public, are not medical offices.

Office, professional, means an establishment providing executive, management, administrative or professional services. Typical uses include property and financial management firms, medical, employment agencies, travel agencies, advertising agencies, secretarial and telephone services, contract post offices; professional or consulting services in the fields of law, architecture, design, engineering, accounting and similar professions; and business offices of private companies, utility companies, public agencies, and trade associations.

On-site wayfinding sign means a sign typically located along a vehicular entranceway, sidewalk or walkway within a commercial development, which depicts the names and locations of businesses in said development; and a sign located along a street or pedestrian path within a master-planned residential development, which indicates the location of neighborhoods and major amenity areas within the development.

Open space means an area that is designed and reserved for the preservation of natural areas, landscaping, water bodies and drainage areas, open-air recreational activities, or community agriculture such as a community garden. Open space is exclusive of any principal building, but may include accessory buildings, structures and uses.

Open space, pervious, means open space that is at least ninety percent (90%) pervious, with any impervious surface limited to hardscape.

Open space, common, means open space that is designated for active or passive recreational use by residents of a planned development, and maintained by a homeowner's association or similar maintenance entity.

Operator means any person who has charge, care, custody or control of a building, structure or lot, or part thereof.

Ordinary repairs or maintenance means work done to prevent deterioration of a building or structure or decay of or damage to a building or structure or any part thereof by restoring the building or structure as nearly as practicable to its condition prior to such deterioration, decay or damage.

Outparcel has the meaning assigned in section 10-4555, outparcels.

Owner of a designated property means the current record title holder. The term "owner" shall mean any person who, alone or jointly has legal, equitable or beneficial title to any building or structure, or part thereof, which is subject to this article.

Owner/developer means the individuals or entity causing new construction and/or improvements to be made.

Package store means a place where alcoholic beverages are dispensed or sold in containers for consumption off the premises, other than grocery and convenience stores.

Pain management clinic means any clinic, facility, or office that is required to be registered with the state department of health pursuant to F.S. § 458.3265 or 459.0137, as amended.

Parcel (see lot or parcel).

Parking means the temporary transient storage of private passenger automobiles used for personal transportation while their operators are engaged in other activities. It shall not include the storage of new or used cars for sale, service, rental or any other purpose other than specified above.

Parking aisle (see drive aisle).

Parking, required, means parking facilities that must be provided accessory to a permitted use of land in order to comply with the off-street parking requirements of this chapter.

Parking space means an area, either within a structure or in the open, for the parking for motor vehicles, exclusive of driveways, access aisles, fire lanes and public rights-of-way; except that nothing shall prohibit driveways for single-family dwelling units and townhouses from being considered off-street parking areas, provided that no portion of such driveway is within the street intersected by such driveway.

Parapet means a low, protective wall at the edge of a terrace, balcony or roof.

Paved area means an area of ground caused to be less than fifty (50) percent pervious by the application of semi-pervious or impervious paving material.

Pawn shop means the location at which a pawnbroker conducts business.

Pawnbroker means any person who is engaged in the business of making pawns as defined in F.S. ch. 539, as may be amended, who makes a public display containing the term "pawn," "pawnbroker," or "pawnshop" or similar; or who publicly displays a sign or symbol historically identified with pawns.

Payday loan business means an establishment which engages in the business of making loans that are generally for a period of thirty (30) days or less in duration, intended to coincide with the period from one (1) payday of the borrower to the next.

Pergola means a structure of parallel colonnades supporting an open roof of beams and crossing rafters or trelliswork over which climbing plants are trained to grow.

Permanent sign means any sign which, when installed, is intended for permanent use. For the purposes of this chapter any sign with an intended use in excess of twelve (12) months from the date of installation shall be deemed a permanent sign.

Permitted use means any use of land or buildings as permitted by these regulations.

Permittee means the individual or entity to which permits are issued.

Person means individuals an firm, corporation, association, trust, joint venture, partnership, estate, syndicate, fiduciary, government agency, two (2) or more persons having a joint or common interest, any combination of the preceding, and any other legal entity, including the manager, lessee, agency, officer of employee of any of the foregoing.

Personal service establishment means a business primarily engaged in providing individual services on the premises involving the care of a person or their apparel, eyewear, jewelry and other items worn on one's person. Such establishments include beauty salons, tailors, health spas, shoe repair, and other similar uses, unless such use is otherwise specifically defined and regulated pursuant to this chapter.

Pervious area means an area maintained in its natural condition, or covered by a material that does not reduce the infiltration or percolation of water into the ground that preexisted the placement of the material.

Pest control agency means an establishment engaged in elimination or extermination of insects, rodents, and similar pests or nuisances.

Pet boarding facility means a facility for the temporary boarding and care, include overnight accommodation, of household pets.

Pet shop means a retail establishment which sells domestic pets and supplies related to the keeping of pets, such as food, clothing, grooming supplies and the like.

Pets, household, means common domesticated animals, such as dogs, cats, birds, other than birds of prey, mice, hamsters, fish, rabbits, etc., that are kept or may be kept within the home.

Phase means a specified portion of a planned unit development that may be developed as an individual component, and which is shown on the master development plan.

Place of public assembly means a place intended or used for people to gather for events, activities or programs, including, but not limited to, arenas, auditoriums, theaters, lecture halls, places of worship, funeral homes, meeting rooms, studios for group exercise instruction, takes place, private clubs and lodges for social organizations, libraries, museums, catering halls, and convention centers. Places of public assembly are generally characterized by open areas, or areas with fixed seating, intended or used to facilitate the gathering of people for a common purpose.

Place of worship means a building or structure owned or used by a religious organization for worship, religious training, or education (non-academic curriculum), including accessory uses such as day care.

Planned residential or commercial development means land under unified control, planned and developed as a whole in a single-development operation or in an approved, programmed series of development operations. It may include principal and accessory uses and structures substantially related to the character of the development itself and the surrounding area of which it is a part. Specifically, the term shall refer to the PRD and PCD zoning districts and parcels with PRD or PCD zoning.

Planned unit development means an area of land developed as a single entity or in approved stages in conformity with a master development plan by a developer or group of developers acting jointly, which is planned for a variety of residential and compatible uses and common open space. Specifically, the term shall refer to the Parkland Lakes PUD, the PRD and PCD zoning districts and parcels with PRD or PCD zoning.

Plat means a map or delineated complete and exact representation of the boundary or subdivision of a parcel of land showing the designation of such land as lots, tracts or other portions thereof; however, the same may be designated in accordance with the technical standards of F.S. ch. 177, part 1, and which must be recorded in the most current plat book of the public records of the county in order to become effective.

Plat, final, means a plat that has been approved by the board of county commissioners and is determined by the county to be suitable for recordation, and is in substantial conformance with the preliminary plat approved by the city commission.

Plat, preliminary, means a plat that is not yet a final plat.

Platted means land for which a plat has been recorded.

Plumbing and electrical fixtures, retail, means an establishment engaged in the sale of plumbing and electrical fixtures.

Pole sign means a permanent ground sign with a visible support structure, such that the sign face and support structure do not appear as one (1) solid monolithic appearance, or otherwise having a support structure that is not architecturally and aesthetically integrated into the overall design of the sign, but not including a flag on a flagpole.

Political sign means a temporary sign which indicates 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.

Porch means a roofed-over space attached to the outside of an exterior wall of a building which has no enclosure other than the exterior walls of such building. Open-mesh screening shall not be considered an enclosure.

Portable/temporary storage unit means a transportable unit designed and used primarily for the temporary storage of goods and materials, excluding construction trailers, for use on a temporary basis.

Portico means a porch or covered walk consisting of a roof supported by columns.

Potable water facilities means a system of structures designed to collect, treat, or distribute potable water, and includes water wells, treatment plants, water storage facilities, and distribution mains.

Poultry and bird farming means a commercial establishment or place where live poultry or fowl are kept and prepared for sale, including killing or cleaning.

Preliminary plat (see plat, preliminary).

Premises means the building in which a business establishment is located, as well as any appurtenant sidewalks, walkways, patios, and landscaped areas.

Primary drainage means the main trunk line of a canal heading south/southwest discharging into the future master pump station located in the center of the southwest quadrant of section 32-47-41 within the city, which shall be considered to be future primary drainage canals within the city limits:

Principal building means a building which is occupied by, devoted to, a principal use or an addition to an existing building which is larger than the original existing building. In determining whether a building is of primary importance, the use of the entire lot shall be considered. There may be more than one (1) principal building on a lot, except in the case of single-family attached and detached dwellings, townhouses, and as may otherwise be provided in this chapter.

Printing shop means an establishment engaged in retail photocopy, reproduction, or blueprinting services.

Produce farm means a farm business that grows fruits and vegetables for sale to the fresh market or to processors for use in manufacturing food products.

Professional office (see office, professional).

Project sign means a temporary on-premises sign which identifies the construction of a building or a building complex during the time period that a building permit is in effect and before the issuance of a certificate of occupancy, and providing information limited to the name of the project, the nature of the development, the general contractor, the lending institution, the owner or agent, a telephone number for information about the project, and the time of availability.

Projecting sign means a sign attached to and supported by a building or other structure and which extends at any angle therefrom.

Property line (see lot line).

Proportion means balanced relationship of parts of a building, landscape, structures, or buildings to each other and to the whole.

Qualified applicant, in the context of a person to which an engineering permit may be issued, means any current county franchisee or utility, regulated by the Florida Public Service Commission; any person, firm or corporation currently licensed to work in the county and certified by the county central examining board for engineered construction trades or the state construction industry licensing board, or qualified by a currently certified officer of the firm or corporation to perform a specific type of work in the public rights-of-way for which a permit is being sought.

Radio, television studios means an establishment that broadcasts live or pre-recorded radio or television programs

Raising of animals or reptiles means the breeding, feeding and general care of an animal or reptile.

Real estate sign means a temporary sign erected by the owner, or his agent, indicating real property which is for rent, sale or lease.

Refuse (noun) means matter thrown away or rejected as worthless; trash.

Remodeling means any change, removal, replacement or addition to walls, floors, ceilings, load-bearing partitions, columns, exterior walls, stairways, roofs or other structural elements of a building or a structure.

Repair shop, electronics, radio and television means an establishment engaged in the maintenance, service, and repair of electronic equipment, including televisions, sound systems, and computers.

Research and testing laboratory means a facility used for testing, research, experimentation, quality control, or prototype construction, excluding routine manufacturing, repair, maintenance, or similar activities.

Residential district means any of the residential zoning districts listed in section 10-10, classes and symbols.

Residential use means the use of land for one (1) or more dwellings and accessory uses thereto.

Restaurant, full service, means an establishment where food and beverages are ordered from a menu prepared and served for pay, for consumption on the premises.

Restaurant, fast-food, means an establishment where food and beverages are primarily served in disposable paper or plastic containers at a take-out counter or window, whether or not there are seating facilities available on the premises, and which may include facilities by which consumers are served while remaining in their vehicles.

Retail, general, means those establishments engaged in sales and rental of new and not previously owned or used products sold directly to the ultimate user or consumer, including but not limited to apparel for women and men; appliance sales; auto parts store; bookstores; business machines and office equipment sales; camera and photography sales and service; candy, nuts, and confectionery sales; fabric stores; floor covering sales; food and grocery stores, excluding convenience stores; furniture stores, hardware and building supply sales; household goods; lawn and garden sales, including lawnmowers; bicycle stores; leather goods and luggage stores; music and musical instrument sales; jewelry stores; newsstand, cigar and tobacco sales, excluding cigar bars; sporting goods; toy stores; and similar uses, except as otherwise specifically defined and provided for pursuant to this chapter.

Retention area means an area designed and used for the temporary or permanent storage of stormwater runoff, which may be either dry or wet retention as defined below:

A. *Dry retention.* An area which is designed for temporary storage of stormwater runoff and which is one (1) foot above the ground water level as established by the Water Control District having jurisdiction and has a maximum slope of four to one (4:1).
B. *Wet retention.* An area which is designed for the permanent storage of water which meets the dimensional criteria for same as set forth by the water control district or is at least one-half (½) acre in size, with an average width of not less than one hundred (100) feet with a maximum slope of four to one (4:1) extending down to appoint two (2) below the mean water line.

Reveal means the part of a jamb of a window or door opening that is visible between the outer wall surface and the window or door frame.

Revolving or rotating sign means any sign that revolves or rotates.

Right-of-way means private or public land dedicated, deeded, reserved, or over which the right of access is granted, whether or not to the public, which is used or proposed to be used for a street, alley, walkway, boulevard, drainage facility, access for ingress or egress, or other similar purpose by the public, certain designated individuals, or governing bodies. Public lands set aside for public traverse. Any easements and private or public land dedicated, deeded, whether or not to the public, which is used, or proposed to be used, for a street, alley, sidewalk, trail, bike lane, boulevard, drainage facility, access for ingress or egress, or other similar purpose by the public, certain designated individuals, or governing bodies.

Road/roadway means an identifiable route designed for vehicular traffic that provides access to multiple lots, or which connects two (2) roads to each other. Roads are typically smoothed, paved, or otherwise prepared to allow easy travel.

Roof sign means a sign erected over or on the roof, extending above the roof line, which is dependent upon the roof, parapet or upper walls of any building for support.

Room means an unsubdivided portion of the interior of a dwelling, having a floor area of eighty (80) square feet or more, intended or adopted for living and/or sleeping purposes. Space in a dwelling used only for bathroom, kitchen, dining area, storage, hallway, utilities or similar purposes shall not be included as a room under this definition.

Rubbish means all combustible and noncombustible waste materials except garbage, including but not limited to nonoperative toys, bicycles, motorcycles, automobiles, mechanical equipment and machines or parts thereof.

Sandwich-type sign means a movable sign not secured or attached to the ground.

Scale means proportional relationship of the size of parts to one another and to the human figure.

School, driving, means a school where people are taught to drive automobiles.

Screen means a structure or planting that conceals from view the area behind such structure or planting.

Secondhand store means a retail store offering merchandise for sale, including but not limited to clothing and household goods, which has been previously worn or used, for sale to consumers. This definition shall not include pawn shops as defined in this section.

Setback means the minimum horizontal distance between an interior lot line and a building, structure or part thereof, and from the street line and a building, structure or part thereof.

Setback area and *yard area* mean the entirety of any of the yards provided within a plot.

Setback, required; setback area, required; and *yard area, required,* mean the minimum required setback, setback area, and yard area required under this chapter for a particular zoning district, use or structure.

Sharpening and grinding shop means an establishment that sharpens and grinds at the surface of a workpiece to change its shape.

Shooting range means a specialized facility designed for firearms practice.

Shopping center means a building designed for occupancy by multiple commercial businesses.

Sight visibility triangle means a triangular shaped portion of land established at street intersections or street and driveway intersections in which nothing is erected, or allowed to grow in such a manner as to limit or obstruct the sight distance of motorists entering or leaving the intersection. For street intersections, refer to Florida Department of Transportation (FDOT) Index No. 546 as revised from time to time. For driveway intersections, this triangle is formed with two (2) sides being ten (10) feet in length along the abutting street lines (illustrated by the letter "B" in Figure 225-1 below), measured from their point of intersection, illustrated by the letter "A" in the diagram below, and the third side being a line connecting the ends of the other two (2) sides, illustrated by the letter "C" in the diagram below. In the event the street lines do not intersect as shown in Figure 225-1, the point of intersection illustrated by the letter "A" in Figure 225-2, street lines shall be the point at which the street lines, if extended, would intersect.

Sign means and includes every device, frame, letter, figure, character, mark, plane, point, design, picture, logo, stroke, stripe, trademark, or reading matter, which is used or intended to be used to attract attention or convey information when the same is placed out of doors in view of the general public. Also, the above, when inside of a building in such a way as to be in view of the general public through a window or door from an abutting collector or arterial roadway and used or intended to be used to attract attention or convey information.

Sign area means a square foot area enclosed by the perimeter of the sign face. When a sign, composed of letters only is designed to be compatible with a particular architectural style, the sign area is the sum of the area of the smallest contiguous rectangles or circles capable of containing one (1) letter. In all other cases, the area is enclosed by the perimeter line enclosing all letters.

Sign face means the part of the sign that is or can be used for communication purposes.

Sign painting means the act of taking a specific kind of brush, and with various kinds of paint, and applying it to two (2) or three (3) dimensional surfaces creating letters, forms and/or symbols.

Sidewalk cafe means a group of tables and chairs and permitted decorative and accessory items situated and maintained upon a sidewalk/walkway and used as a waiting area and/or for the consumption of food and beverages sold to the public from an adjoining business.

Single-family district means any residential zoning district that allows single-family residences as a new permitted use, including, but not limited to, AE-1, AE-2, BCE-1, the RS districts, and PUDs and PRDs or portions thereof that permit single-family residences.

Single-family residence (see dwelling, single-family detached).

Site plan, approved, means a site plan meeting the requirements of article 40, site plan procedures, that was approved by the city pursuant to the additional procedures set forth in article 30, general development review procedures.

Skating rink means an establishment that provides facilities for participant skating.

Skateboard park means a public facility that is designed for use by persons riding skateboards, in-line skates, or roller skates.

Slat house (also known as lath house or shade house) means an accessory agricultural structure consisting of a screened enclosure with a screened or roll plastic roof used to protect plants from insects, heat and exposure to the sun.

Snipe sign means a sign which is tacked, nailed, posted, pasted, glued, or otherwise attached to trees, poles, stakes or fences, or to other objects with the message appearing thereon not applicable to the present uses of the premises or structures upon which such sign is located.

Special event means an event open to the public for which a permit has been obtained from the city in accordance with this chapter and where the criteria for issuance of such permit are content-neutral.

Special event directional sign means a temporary sign providing direction for vehicular traffic to a special event.

Special event sign means a sign which carries a message regarding a special event.

Special exception means a use which may be allowed within a zoning district subject to the provisions of this land development code, and in accordance with the procedures as set forth in article 60, special exception uses, of this chapter.

Staging area means the area in which the employees receive motor vehicles for passenger loading and unloading in a valet parking operation.

Standard specifications means the Department of Transportation, State of Florida, Standard Specification for Road and Bridge Construction, latest edition.

Start of construction, for other than new construction or substantial improvements under the Coastal Barrier Resources Act (P.L. 97-348), includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, or improvement, was within one hundred-eighty (180) days of the permit date. The actual start means the first placement of permanent construction of a structure (including a manufactured home) on a site, such as the pouring of slabs or footings, installation of piles, construction of columns, or any work beyond the stage of excavation or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers or foundation or the erection of temporary forms; nor does it include the installation on the property of accessory building, such as garages or sheds not occupied as dwelling units or not part of the main structure.

Storage area means any exterior area used for the keeping of garbage or trash cans, dumpsters, newspaper containers, oil and bottled gas tanks, swimming pool equipment, air conditioners and similar objects or equipment.

Storage warehouses means a building or group of buildings divided into separate compartments used to meet the temporary storage needs of small businesses, apartment dwellers, and other residential uses.

Story means a complete horizontal division of a building or parking structure, constituting the space between the surface of any floor and the surface of the next floor above it, or if there is no floor above it, then the space between such floor and the roof above it. A story consists of no less than eight (8) feet in height.

Street means a public or private right-of-way designated for use as a road, and inclusive of swales, sidewalks, bicycle lanes, street trees, and medians within such right-of-way, as applicable whether designated as a street, avenue, road, boulevard, lane, throughway or however otherwise designated but does not include driveways to buildings.

Street line means the future right-of-way line from which all front yards and street setbacks are measured. A street line may not be coterminous with a lot line when the full extent of future right-of-way has not been dedicated.

Street hardware means manmade objects other than buildings that are part of the streetscape. Examples are lampposts, utility poles, traffic lights, traffic signs, benches, litter containers, planting containers, letter boxes, fire hydrants.

Streetscape means the scene as may be observed along a public street or way composed of natural and manmade components, including buildings, paving, planting, street hardware, and miscellaneous structures.

Strip shopping center means a commercial development characterized by one (1) or more buildings constructed solely in a straight line or arranged generally to appear more or less in a straight line.

Structure means anything constructed or erected which requires location on the ground or attached to something having location on the ground.

Structure height means the same as building height for roofed structures, and for all other structures, means the vertical distance from the established grade to the highest point of the structure, unless otherwise provided in this chapter for a specific type of structure such as freestanding signs and fences, by way of example.

Subcontractor means a person, firm or corporation duly qualified in the county, having a contract with the contractor.

Subgrade soils means all soils beneath road rock base elevation within rights-of-way.

Substantial damage means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed fifty (50) percent of the market value of the structure before the damage occurred.

Substantial improvement means any combination of repairs, reconstruction, alteration, or improvements to a structure, taking place during the life of a structure, in which the cumulative cost equals or exceeds fifty (50) percent of market value of the structure. The market value of the structure should be either:

A. The appraised value of the structure prior to the start of the initial repair or improvement; or

B. In the case of damage, the value of the structure prior to the damage occurring.

For the purposes of this definition, substantial improvement is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term "substantial improvement" does not, however, include any project for improvements of a structure required to comply with existing health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions.

Surveyor means a professional land surveyor and mapper (PLS) licensed in Florida under F.S. ch. 472 to practice land surveying in the state (similar to "engineer").

Swale means areas unpaved portions of a street located between a finished, paved road and the street lines or sidewalks, as applicable.

Tag line means a reiterated phrase identified with an individual, group, or product; slogan.

Taxi service establishment means a service that offers transportation in passenger automobiles and vans to persons including those who are handicapped in return for remuneration. The business may include facilities for servicing, repairing and fueling taxicabs or vans.

Taxidermist means a craftsman who stuffs and mounts the skins of animals for display.

Temporary sign means any sign intended for use not permanent in nature. For the purposes of this chapter, any sign with an intended use of twelve (12) months or less shall be deemed a temporary sign.

Temporary subdivision entrance sign means a temporary sign designating a subdivision, plat or other similar division of real property or of a residential district and is located at or in close proximity to the main entrance.

Tire and battery store means an establishment that sells, repairs and installs tires and batteries.

Townhouses (see Dwelling, townhouse).

Traffic control device sign means any sign located within the right-of-way and that is used as a traffic control device and described and identified in the Manual on Uniform Traffic Control Devices approved by the Federal Highway Administration as the National Standard and as may be revised from time to time. A traffic control device sign includes those signs that are classified and defined by their function as regulatory signs (that give notice of traffic laws or regulations), warning signs (that give notice of a situation that might not readily be apparent), and guide signs (that show route designations, directions, distances, services, points of interest, and other geographical, recreational, or cultural information). See City of Parkland's Standard Signing and Striping Details Manual, Sheets 1 through 3 for specific signs and regulatory pavement markings.

Trafficway means any one (1) of the expressways, principal arterials, minor arterials or collector streets shown on the Broward County Trafficways Plan.

Transient occupant means any person, or guest or invitee of such person, who occupies or is in actual or apparent control or possession of residential property registered as a vacation rental. It shall be a rebuttable presumption that any person who holds themselves out as being an occupant or guest of an occupant of the vacation rental is a transient occupant.

Trash means all small discarded materials from around a premises which can be deposited in an approved trash receptacle for collection and can be burned or otherwise properly handled at an incinerator.

Tree survey (see the definition in section 95-520).

Trellis means a frame supporting open latticework used as a screen or a support for growing vines or plants.

Truck garden means a farm where produce is grown for direct sale to the consumer off site.

Tutoring services means a service offered by an individual who gives additional, special, or remedial instruction.

Two-family dwelling (see dwelling, two-family).

Under-canopy sign means a sign suspended beneath an awning, canopy, ceiling, roof or marquee.

Undue economic hardship means failure to issue a certificate would place an onerous and excessive financial burden upon the owner that would amount to the taking of the owner's property without just compensation.

Uniform sign program or plan, means a comprehensive set of regulations and restrictions governing the location, number, type, size, height, color, and style of signs in a commercial development.

Upholstery shop means a retail service for the upholstery and re-upholstery of furniture.

Use means the purpose for which land or a structure thereon is designed, arranged, occupied or utilized; and the term "use" includes the use of water surfaces and land underwater to the extent covered by zoning districts.

Use, principal, means the primary use of a lot as distinguished from secondary or accessory uses. There may be more than one (1) principal or main use on a lot unless otherwise provided.

Use; use of land, means any purpose for which buildings, structures, land, or water may be arranged, designed, intended, maintained, or occupied; or any occupation, business, activity, or operation carried on or intended to be carried on in a building, other structure, or on land. Use of land shall include use of buildings, structures and water.

Utilitarian structure means a structure or enclosure relating to mechanical or electrical services to a building or development.

Utility means facilities for provision of services to the general public by means of a system of pipes, conduits or wires for the treatment, distribution or storage of water for public use or consumption, collection and treatment of sanitary sewage, distribution of natural gas, generation or distribution of electric power, transmission of data for television, radio, telephone and internet service, and operators and providers thereof.

Utility hardware means devices such as poles, crossarms, transformers and vaults, gas pressure regulating assemblies, hydrants and buffalo boxes that are used for water, gas, oil, sewer, and electrical services to a building or a project.

Utility inspector means an authorized field representative of any utility serving the area where work is performed.

Utility service means any device, including wire, pipe, and conduit, which carries gas, water, electricity, oil, and communications into a building or development, including communication towers.

Utility service area means the designated service areas as defined by the various utility providers in the city.

Vacation rental means any unit or group of units in a condominium or cooperative or any individually or collectively owned single-family, two-family, three-family, or four-family house or dwelling unit that is rented to transient occupants more than three (3) times in a calendar year but for periods of less than thirty (30) days or one (1) calendar month, whichever is less, or which is advertised or held out to the public as a place regularly rented to transient occupants, but that is not a timeshare project.

Valet service or *valet parking service* means the use of employees of a business, or the use of an independent contractor by a business, to provide patrons of the business and others with a motor vehicle reception point and parking service, which may be provided at no charge or on a for-compensation basis.

Variance means a granting of relief from the literal interpretation of the provisions of the land development regulations, other than those provisions relating to use requirements, subject to the procedures of the land development code; a grant of relief from the requirements of this chapter which permits construction in a manner otherwise prohibited by this chapter where specific enforcement would result in unnecessary hardship.

Vehicular use area means any area used by vehicles except public thoroughfares, including but not limited to areas for parking, display or traverse of any and all types of vehicles, cars, motorcycles, bicycles, buses, boats, trailers, campers, airplanes or heavy construction equipment. Also included are areas paved for other purposes such as outdoor storage, service and delivery, which are similar in nature to areas paved for vehicular use.

Vermin means all common harmful animals or insects.

Veterinary means of, relating to, practicing, or being the science and art of prevention, cure, or alleviation of disease and injury in animals and especially domestic animals.

Veterinary clinic means an establishment engaged in providing medical care and treatment for animals.

Violator means a person who abuses a tree or otherwise violates this article, and 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.

Wall means a decorative masonry structure or glass brick which is not less than twenty-five (25) percent opaque and forms a solid visual screen.

Wall sign means a sign which is approximately parallel to and supported by any wall or other enclosure.

Warning sign means a sign which provides warning of a dangerous condition or situation that might not be readily apparent or that poses a threat of serious injury (e.g., gas line, high voltage, condemned building, etc.) or that provides warning of a violation of law (e.g., no trespassing, no hunting allowed, etc.).

Water control district means the governmental agency or other entity with primary responsibility for the conveyance or retention of stormwater within an established area.

Waterway means a canal, ditch, pond, lake or other depression in the earth created for the convenience or storage of natural, pumped or excess stormwater runoff.

Wayside stand means a structure designed and used for the sale or display of farm products produced on the premises on which said structure is located.

Wholesale means the sale of goods and commodities in quantity for resale.

Wind sign means a sign, which uses objects or material fastened in such a manner as to move upon being subjected to pressure by wind. This shall include pennants, ribbons, spinners, streamers or captive balloons, but shall not include a flag on an allowed flagpole or mounted at the entrance of a building.

Window sign means a sign located on a window or within a building or other enclosed structure which is visible from the exterior through a window or other opening.

Wing wall means a wall projecting from a main building structure. A wing wall is used often to screen unsightly objects/vistas.

Wreckers, building and automobile, means one who is in the business of demolishing old buildings and one who dismantles cars for salvage.

Yard means a space on the same lot with a structure or use, open and unobstructed from the ground to the sky except by encroachments specifically permitted in this chapter. Yard measurements shall be the minimum horizontal distances. Yards shall extend and be measured inward from the respective lot lines or street line, as applicable.

Yard area (see setback area).

Yard, front, means a yard existing across the full width of the lot between the street line and the building line on the plot. On a corner lot, there are two (2) adjacent front yards unless otherwise specified, and on a through lot there are two (2) opposing front yards unless otherwise specified.

Yard, rear, means a yard extending across the full width of the lot between the rear lot line and the building line of the main building.

Yard, required, means any of the minimum yards required by this chapter. A required yard is synonymous with a minimum required yard. Any yard space supplied in excess of the minimum amount specified shall not be deemed to be part of a required yard.

Yard, side, means a yard extending from the front yard to the rear yard between the side lot line and the nearest line of any building or use on the plot. The width of a side yard shall be the shortest distance between the side lot line and the nearest use or building on the plot.

Yard, street, means a yard contiguous to a street.

(Ord. No. 2015-09, § 2(Exh. A), 9-21-2015; Ord. No. 2016-09, § 2, 9-21-2016; Ord. No. 2016-13, § 2, 1-4-2017; Ord. No. 2018-020, § 1, 3-20-2019)

Sec. 5-3535. - Development agreements pursuant to [F.S.] sections 163.3220—163.3243.

(1) The city commission hereby declares that it may enter into [F.S.] ch. 163 development agreements pursuant to the Act.

(2) The city hereby incorporates the definitions set forth in the Act and all rights, privileges, and authority provided by the Act, as amended. The following procedures shall be employed in the adoption of any F.S. ch. 163 development agreement which, specifically purports to be a F.S. ch. 163 development agreement under the Act (hereinafter referred to as a "chapter 163 development"):

   (a) Before entering into, amending, or revoking a chapter 163 development agreement, city shall conduct at least two (2) public hearings. At the option of the city commission, one (1) of the public hearings may be held by the planning and zoning board.

   (b) Notice of intent to consider a chapter 163 development agreement shall be advertised approximately seven (7) days before each public hearing in a newspaper of general circulation and readership in Broward County. Notice of intent to consider a chapter 163 development agreement shall also be mailed to all affected property owners, in conformance with F.S. § 163.3225, before the first public hearing. The day, time, and place at which the second public hearing will be held shall be announced at the first public hearing.

   (c) The notice shall specify the location of the land subject to the chapter 163 development agreement, the development uses proposed on the property, the proposed population densities, and the proposed building intensities and height and shall specify a place where a copy of the proposed agreement can be obtained.

(3) The duration of a chapter 163 development agreement may not exceed thirty (30) years, unless it is extended by mutual consent of the governing body and the developer, subject to a public hearing in accordance with F.S. § 163.3225. No chapter 163 development agreement shall be effective or be implemented by a local government unless the local government's comprehensive plan and plan amendments implementing or related to the agreement are in compliance with F.S. § 163.3184.

(4) A chapter 163 development agreement may be amended or canceled by mutual consent of the parties to the agreement or by their successors in interest.

(5) If state or federal laws are enacted after the execution of a chapter 163 development agreement which are applicable to and preclude the parties' compliance with the terms of a chapter 163 development agreement, such agreement shall be modified or revoked as is necessary to comply with the relevant state or federal laws.

(6) Any party or aggrieved or adversely affected person as defined in F.S. § 163.3215(2) may file an action for injunctive relief in the circuit court where the local

government is located to enforce the terms of a chapter 163 development agreement or to challenge compliance of the agreement with F.S. §§ 163.3220—163.3243.

(7) Within fourteen (14) days after a local government enters into a chapter 163 development agreement, the city shall record the agreement with the clerk of the circuit court in the Broward County. A chapter 163 development agreement is not effective until it is properly recorded in the public records of the Broward County. The burdens of the chapter 163 development agreement shall be binding upon, and the benefits of the agreement shall inure to, all successors in interest to the parties to the agreement.

(8) Nothing herein shall prohibit the city from entering into chapter 163 development agreements which do not follow either the provisions of this ordinance or the Act. Unless a chapter 163 development agreement specifically states that it is enacted pursuant the Act, the provisions of this ordinance and the Act shall not be applicable to such agreements; provided that said agreements shall still be deemed valid and binding agreements of the city. This ordinance relating to the Act is solely adopted to provide an alternate method to undertake chapter 163 development agreements and shall not in any way be construed to limit the authority of the city to enter into any other development agreements. This ordinance and the powers provided herein shall be deemed supplemental to all other powers of the city with respect to development agreements.

(Ord. No. 2018-013, § 2, 7-11-2018)

DIVISION 40. - QUASI-JUDICIAL PROCEEDINGS

Sec. 5-4001. - Intent.

The intent of this division is to establish procedures to ensure procedural due process and maintain citizen access to the local government decision-making process relating to the approval of development orders. This policy shall be applied and interpreted in a manner recognizing both the legislative and judicial aspects of the local government decision-making process relating to site-specific parcels. The mayor shall see to it that quasi-judicial proceedings are conducted in substantial compliance with these rules.

(Ord. No. 2017-05, § 3, 6-21-2017)

Sec. 5-4002. - Applicability.

Except as may otherwise be provided by statute or ordinance, or when waived, these procedures shall apply to all actions taken by the city commission regarding the following applications:

- Rezonings;
- Plats;
- Site plans;
- Community appearance review;
- Special exceptions;
- Variances;

and such other applications as required by law.

(Ord. No. 2017-05, § 3, 6-21-2017)

Sec. 5-4003. - Definitions.

(a) *Application* shall mean an application for a development permit as defined in section 98-3, City of Parkland Land Development Code.

(b) *Applicant* shall mean the owner of record, the owner's agent, or any person with a legal or equitable interest in the property which is the subject of the proceeding.

(c) *Commission* shall mean the City of Parkland City Commission.

(d) *Commissioner* shall mean a City of Parkland City Commissioner.

(e) *Development order* shall have the meaning set forth within City of Parkland Land Development Code.

(f) *Development permits* shall have the meaning set forth within City of Parkland Land Development Code.

(g) *Ex-parte communication* shall mean any written, oral, or graphic communication with a commissioner which may directly or indirectly relate to or which could influence the disposition of an application, other than those made on the record during a quasi-judicial hearing.

(h) *Expert* shall mean a person who is qualified in a subject matter by knowledge, skill, experience, training, or education.

(i) *Material fact* shall mean a fact that bears a logical relationship to one (1) or more issues raised by the application or the laws and regulations pertaining to the matter requested by the application.

(j) *Mayor* shall mean the mayor of the City of Parkland. The term "commissioner" shall include the mayor.

(k) *Participants* shall mean persons, other than the applicant, who offer testimony at a quasi-judicial hearing for the purpose of being heard on an application. The term "participants" shall include experts and representatives of units of local governments and governmental agencies.

(l) *Party* shall mean the applicant, the City of Parkland and any party intervenor.

(m) *Party intervenor* shall mean any person or entity which will be adversely affected by the proposed development over and above the effect on the public at large.

(n) *Quasi-judicial proceeding* shall mean a hearing held by the commission to adjudicate the private rights of an applicant by means of a hearing which comports with due process requirements.

(o) *Relevant evidence* shall mean evidence which tends to prove or disprove a fact that is material to the determination of the application.

(p) *Staff* shall mean City of Parkland staff or city retained experts or counsel or a combination thereof.

(q) Witness shall mean any person who testifies under oath.

(Ord. No. 2017-05, § 3, 6-21-2017)

Sec. 5-4004. - Oaths and testimony; ex-parte communications.

(a) In a quasi-judicial proceeding on land use matters, a person who appears before the city commission, who is not a party or party intervenor shall be allowed to testify before the commission, subject to control by the commission, and may be requested to respond to questions from the commission, but need not be sworn as a witness, is not required to be subject to cross-examination, and is not required to be qualified as an expert witness.

(b) The commission shall assign weight and credibility to such testimony as it deems appropriate.

(c) A party or party intervenor in a quasi-judicial proceeding on land use matters, upon request by another party or party intervenor, shall be sworn as a witness, shall be subject to cross-examination by other parties or party intervenors, and shall be required to be qualified as an expert witness, as appropriate.

(d) The mayor may direct the party conducting any cross-examination of witnesses of a party or party intervenor to stop a particular line of questioning that merely harasses, intimidates, or embarrasses the individual being cross-examined or questioning that is not relevant and that is beyond the scope of the facts alleged by the individual being cross-examined.

(e) All decisions of the commission in a quasi-judicial proceeding on land use matters must be supported by substantial, competent evidence in the record pertinent to the proceeding, irrespective of such communications.

(f) An ex-parte communication shall not be presumed to be prejudicial to the action taken by a commissioner, board or commission if the communication is disclosed as follows:

(1) The commissioner in receipt of a verbal communication discloses the identity of the person, group or entity with whom the communication took place and makes such information part of the record of the quasi-judicial matter prior to final action being taken on the matter.

(2) The commissioner in receipt of a written communication makes the written communication part of the record of the quasi-judicial matter prior to final action being taken on the matter.

(3) The commissioner who conducts an investigation or on-site visit or receives an expert opinion relating to a quasi-judicial action pending before him makes the investigation, on-site visit or expert opinion part of the record of the quasi-judicial matter prior to final action being taken on the matter.

(4) Disclosure made pursuant to this section shall be made before or during the public meeting at which a vote is taken on such matter so that persons who have opinions contrary to those expressed in the ex parte communication are given a reasonable opportunity to rebut or respond to the communication.

(Ord. No. 2017-05, § 3, 6-21-2017)

Sec. 5-4005. - General hearing procedures.

(a) Quasi-judicial proceedings shall be conducted in an informal manner. If the applicant agrees with the staff recommendation, the applicant may waive his or her right to an evidentiary hearing by signing the waiver supplied by the planning and development services department. The item may (at the city's option) be placed on the consent agenda and the commission may then vote on the item as a part of the consent agenda based upon any written materials submitted by the applicant and the staff report; provided that if any member of the public wishes to speak on the matter, the item will be removed from the consent agenda to allow the public to speak. The quasi-judicial hearing may still be waived but only after public input, unless someone who speaks on the matter and demonstrates that they are substantially effected by the application objects. If the commission determines that it is in the best interests of the city to conduct a full evidentiary hearing, the matter shall be deferred until the next commission meeting to afford both the applicant and staff the opportunity to prepare for the evidentiary hearing. However, if the applicant and the staff agree that they are prepared to participate in a full evidentiary hearing at the meeting in question, the matter shall not be deferred.

(b) If the applicant does not waive his or her right to an evidentiary hearing, the city shall conduct a full evidentiary hearing. If the applicant changes his or her mind regarding the waiver, the matter shall be deferred until the next commission meeting to afford both the applicant and staff the opportunity to prepare for the evidentiary hearing. At the evidentiary hearing the applicant shall have the right to call and examine witnesses, to introduce exhibits, to cross examine opposing witnesses on any relevant matter, and to rebut evidence. The conduct of the quasi-judicial hearing shall be substantially as set forth below.

(c) Staff shall have the responsibility of presenting the case on behalf of the city.

(d) Time limits for presentations.

(1) Staff (up to thirty (30) minutes).

(2) Applicant (up to forty (40) minutes).

(3) Participants:

a. Members of the public: Up to three (3) minutes each.

b. Speakers representing an organization or a group in attendance at the meeting: Up to five (5) minutes.

c. Party intervenors shall have ten (10) minutes for their presentation.

(4) Expert witnesses: Up to ten (10) minutes.

(5) No speaker may give his or her time to any other speaker. However, at the discretion of the mayor, the time allowed for any testimony may be extended.

(6) The mayor shall have authority (unless overruled by a majority vote of the commission) to alter the time frames set forth above.

(Ord. No. 2017-05, § 3, 6-21-2017)

Sec. 5-4006. - Order of the proceeding.

To the extent possible, the following shall be the order of the evidentiary hearing proceeding:

(a) The mayor or the city attorney shall read a preliminary statement once at the beginning of the quasi-judicial hearing portion of the agenda outlining the procedure which shall be followed.

(b) The oath shall be administered to witnesses; however, non-party witnesses and participants may choose not to be sworn and such unsworn witnesses may be requested to respond to questions from the commission. Non-party and non-party intervenor witnesses are not required to be subject to cross-examination, and shall not be required to be qualified as an expert witness. The commission shall assign weight and credibility to such testimony as it deems appropriate. A party or party intervenor in a quasi-judicial proceeding, upon request by another party or party intervenor, shall be sworn as a witness, shall be subject to cross- examination by other parties or party intervenors, and shall be required to be qualified as an expert witness, as appropriate.

(c) Staff shall present its analysis, any recommendation and evidence and witnesses regarding the application.

(d) The applicant shall make his or her presentation which may include witnesses and documentary evidence.

(e) Participants in support of or against the application shall make their presentation. Participants claiming to represent a group, organization, unit of local government or governmental agency must indicate the participant's authority to act as a representative for the group, organization or agency.

(g) After each person testifies and/or documents are made part of the record, the applicant, staff or any commissioner may cross-examine the witness, except that participants providing unsworn testimony may only be asked questions by the commission.

(h) Rebuttal by staff, if requested.

(i) Rebuttal by party intervenors, if requested.

(j) Rebuttal by applicant, if requested.

(k) The mayor may choose to allow participants to respond to the applicant's rebuttal if the mayor deems the response to be necessary to ensure fairness and due process. The response must be limited to issues addressed in the applicant's rebuttal. No new issues may be raised at this time.

(l) The mayor, in the interest of fairness and due process, may allow further responses, but the responses must be limited to issues addressed by the previous speaker. No new issues may be raised at this time.

(m) No further evidence will be accepted.

(n) The mayor, in his/her discretion, may allow final argument by staff and the applicant. In final argument, the applicant and staff may refer only to facts which were admitted into evidence. Argument that refers to facts not in evidence will be disregarded by the commission.

(o) The commission shall deliberate on the application. No further presentations or testimony shall be permitted, and commissioners shall not ask any further questions of any person who presented testimony. The commission shall discuss the evidence which was presented at the quasi-judicial hearing and render a decision on the application. Although the commission is not required to make findings of fact and conclusions of law, the commission must ensure that there is competent substantial evidence in the record to support its decision. If the commission denies a development permit it must do so in writing and give notice to the applicant with a citation to the applicable portions of an ordinance, rule, statute or other legal authority for the denial of the permit.

(Ord. No. 2017-05, § 3, 6-21-2017)

Sec. 5-4007. - Evidence.

(a) The commission shall not be bound by the strict rules of evidence, or limited to consideration of evidence which would be admissible in a court of law.

(b) The commission may exclude evidence or testimony which is not relevant, material, or competent, or testimony which is unduly repetitious or defamatory.

(c) The commission will determine the relevancy of evidence.

(d) Matters relating to an application's consistency with the City of Parkland Land Use Plan, a certified land use plan or the City of Parkland Land Development Code will be presumed to be relevant and material.

(e) Hearsay evidence may be used to supplement or explain other evidence, but shall not be sufficient by itself to support a finding unless it would be admissible over objection in a court.

(f) Documentary evidence may be presented in the form of a copy of the original, if available and if the commission determines that it is authentic.

(Ord. No. 2017-05, § 3, 6-21-2017)

Sec. 5-4008. - Continuances and deferrals.

If, in the opinion of the mayor or any commissioner, any testimony or documentary evidence or information presented at the hearing justifies allowing additional research or review in order to properly determine the issue presented, or that a continuance would assist the parties in resolving issues discussed at the hearing, the commission shall continue the hearing to a time certain to allow for such research or review and shall permit testimony and evidence regarding the matters to be researched or reviewed by all parties. The time limitations set herein may be extended.

(Ord. No. 2017-05, § 3, 6-21-2017)

Sec. 5-4009. - Judicial notice.

The commission shall take judicial notice of all state and local laws, ordinances and regulations and may take judicial notice of such other matters as are generally recognized by the courts of the State of Florida.

(Ord. No. 2017-05, § 3, 6-21-2017)

Sec. 5-4010. - Basis of decision.

All decisions by the commission shall be based on the evidence presented to the commission at the quasi-judicial hearing on the application, which shall include the materials in the agenda back-up, testimony of all witnesses and participants, any documentary and demonstrative evidence, and visual aids presented. Each commissioner shall weigh all the relevant evidence presented, giving each piece of evidence the weight the commissioner sees fit.

(Ord. No. 2017-05, § 3, 6-21-2017)

Sec. 5-4011. - Supplementing the record.

Supplementing the record after the quasi-judicial hearing is prohibited, unless specifically authorized by an affirmative vote of the commission under the following conditions:

(a) After a quasi-judicial hearing is continued but prior to final action being taken.

(b) If a question is raised by the commission at the hearing to which an answer is not available at the hearing, the party to whom the question is directed may submit the requested information in writing to the commission after the quasi-judicial hearing, provided the hearing has been continued or another hearing has been scheduled for a future date and no final action has been taken by the commission.

(c) The commission will specifically identify the question to which a response is required. No additional information will be accepted.

(d) If the requested material is received from someone other than the applicant, city staff will notify the applicant that the supplemental information has been received.

(Ord. No. 2017-05, § 3, 6-21-2017)

Sec. 5-4012. - Record of the quasi-judicial proceeding.

The official record of the proceeding shall be the minutes as approved by the commission and the evidence received. All evidence admitted at the hearing shall be maintained by the city clerk.

(Ord. No. 2017-05, § 3, 6-21-2017)

Sec. 5-4013. - Appeals.

An appeal from a decision of the city commission shall be by petition for writ of certiorari to the circuit court of the Seventeenth Judicial Circuit within thirty (30) days of the date a final order is rendered by the commission. If a person decides to appeal any decision with respect to any matter considered at the quasi-judicial hearing, he or she will need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is based. Anyone desiring a verbatim transcript shall have the responsibility, at his or her own expense, to arrange for the presence at the hearing of a certified court reporter.

(Ord. No. 2017-05, § 3, 6-21-2017)

ARTICLE 10. - DISTRICTS

DIVISION 1. - GENERALLY

Sec. 10-10. - Classes and symbols.

For the purposes of this chapter and in respect to the regulation of the use of land and water, height and bulk of buildings and structures, population density and open space, the city is hereby divided into the following districts. Certain lands within the city retain their pre-annexation unincorporated area (county) zoning in order to maintain the zoning standards that governed use and development of such areas prior to annexation.

With the noted exception of the county A-1 and A-2 districts, the differences between such county zoning standards and the standards of the corresponding city zoning designations are minor. Accordingly, applicable county zoning standards except for A-1 and A-2 districts have been incorporated into this chapter, and properties with a county zoning designation other than A-1 and A-2 shall be fully subject to the regulations of this chapter.

A. *Agricultural districts:*

A-1, Agricultural district.

BCA-1, Broward County Agricultural Estate District (subject to the A-1 district regulations and other governing provisions of the Broward County Zoning Code).

BCA-2, Broward County General Agriculture District (subject to the A-2 district regulations and other governing provisions of the Broward County Zoning Code).

PBAR, Palm Beach County Agricultural Reserve (subject to the AR district provisions and other governing provisions of the Palm Beach County Land Development Code).

B. *Residential districts:*

AE-1, Agricultural estate (1 du/2½ ac) district.

AE-2, Agricultural estate (1 du/ac) restrict.

BCE-1, Broward County Estate Residential District.

RS-1, Estate density residential district.

RS-2, RS-2.5, RS-3, and RS-4, Low-density single-family residential districts.

RS-6, Special single-family district.

RM-5 to RM-10, Multifamily, low-medium-density districts.

PUD, Planned unit development district.

PRD, Planned residential district.

C. *Commercial business districts:*

B-1, Neighborhood business district.

B-2, Community business district.

B-3, Community business district.

PCD, Planned commercial district.

OP, Office park district.

D. *Industrial district:* I-1, Light industrial district.

E. *Recreation/open space district:* OS, Recreation/open space district.

F. *Commercial recreation district:* CR, Commercial recreation district.

G. *Community facilities district:* CF, Community facilities district.

H. *Utilities district:* U, Utilities district.

I. *Conservation district:* CONS, Conservation district.

(Ord. No. 2015-09, § 2(Exh. A), 9-21-2015)

Sec. 10-20. - Zoning map.

The areas assigned to these districts, the designations of the same and the boundaries of said districts shown upon the official zoning map that is on file in the planning and zoning department office and made a part of this chapter are hereby established; and said map and the proper notations, references and other information shown thereon shall be as much a part of this chapter as if the matters and information set forth by said map are attached as appendix A (the maps are not reproduced herein) and are identified by the signatures of the mayor and clerk of the city, together with the number of this chapter and its effective date. Each district shall be subject to the regulations stipulated in this chapter.

A. The boundaries of the districts are as shown upon the zoning map which is adopted by references and made a part hereof, and entitled "Official Zoning Map of the City of Parkland, Florida".

B. The amended zoning map and all the notations, references and other information shown thereon are a part of this land development code as if such information set forth on the map were all fully described and set out. This amended zoning map, properly attested, shall remain at all times on file in the office of the city clerk. The boundaries of such districts as are shown upon the official zoning map, or as will be shown by subsequent amendment thereto, are adopted and approved, and the regulations of this land development code, governing the use of land and buildings, the height of buildings, building site areas, the size of yards about buildings and other matters as set forth in this land development code, are established and declared to be in effect upon all land included within the boundaries of each and every district shown upon such map.

C. In the creation by this land development code of the respective districts, the city commission has given due and careful consideration to the peculiar suitability of each and every such district for the particular regulations applied thereto, and the necessary proper and comprehensive groupings and arrangements of the various uses and densities of population in accordance with a well-considered plan for the development of the city.

(Ord. No. 2015-09, § 2(Exh. A), 9-21-2015)

Sec. 10-30. - Water areas.

The water surface and the land under the water surface of all canals, rivers, waterways, ponds, lakes and other water areas in the city not otherwise zoned are hereby placed in the same zoning district as the land which they abut as shown on the zoning map. Where the zoning district shown on the zoning map is different on opposite sides of the water area, then the kind of zoning district on each side shall extend to the centerline or midpoint of the water area.

(Ord. No. 2015-09, § 2(Exh. A), 9-21-2015)

Sec. 10-40. - Districting of vacated ways.

Where a street or alley shown on a zoning district map is hereafter officially vacated by replatting or otherwise, the land formerly in such street or alley right-of-way shall be included within the zoning district of the adjoining property on either side of said vacated street or alley. In the event that such street or alley was a district boundary between two (2) or more different zoning districts, the new district boundary shall be the former centerline of such vacated street or alley.

(Ord. No. 2015-09, § 2(Exh. A), 9-21-2015)

Sec. 10-50. - Interpretation of zoning district boundaries.

Unless otherwise shown, the district boundaries are right-of-way lines of streets, alleys, or waterways, the subdividing or boundary lines of recorded plats or the extensions thereof; or lot lines or the extensions thereof; and where the districts designated on maps accompanying and made a part of this chapter are approximately bound by street lines, alley lines, waterway lines or the subdividing or boundary lines of recorded plats, extensions thereof, or lot lines or extensions thereof, such lines or the extensions thereof shall be considered to be district boundaries. Where uncertainty exists as to boundaries of any district, the following rules of interpretation shall apply:

A. *Lots of record.* Where a district boundary divides a lot of record existing at the time of the adoption of the particular district boundary, and the location of the boundary is not dimensioned relative to the lot lines, the boundary shall be determined by use of the scale appearing on the map, provided that if the boundary line scales to within twenty-five (25) feet of a lot line, the boundary shall be deemed to be such lot line.

B. *City limits.* Where a district boundary is shown as approximately following city limits it shall be deemed to be following city limits.

C. *Other interpretations.* Where due to scale or illegibility of the zoning map, or due to the absence of a street, alley, easement, waterway or recorded subdivision plat lines, the planning and zoning director finds that there is uncertainty, contradiction or conflict as to the intended location of any district boundary, the planning and zoning director shall be responsible for interpreting the intent of the zoning map to determine and designate the proper location of such district boundary in accordance with the intent and purpose of the code. The ordinance causing the rezoning of land, the supporting

materials made part of the city commission's consideration of the ordinance, and city commission meeting minutes concerning the ordinance causing the rezoning shall be primary considerations for determining district boundaries. Appeal from the interpretation of the director shall be to the city commission as required in article 55, division 15, appeal of administrative decisions.

(Ord. No. 2015-09, § 2(Exh. A), 9-21-2015)

Sec. 10-60. - Interpretation of permitted, prohibited and special exception uses.

A. No use shall be permitted in any zoning district which is not listed as a permitted use, special exception use, or determined to be an accessory use.

B. In accordance with F.S. § 381.986, it is hereby expressly provided that medical marijuana dispensaries are prohibited within the city in each and every zoning district.

(Ord. No. 2015-09, § 2(Exh. A), 9-21-2015; Ord. No. 2017-11, § 2, 11-1-2017)

DIVISION 5. - A-1 AGRICULTURAL DISTRICT

Sec. 10-510. - Applicability.

The regulations of this division apply to the City of Parkland A-1 District. Areas within the city that still retain pre-annexation Broward County A-1 (BCA-1) zoning are subject to the A-1 District provisions of the Broward County Zoning Code, as may be amended from time to time.

(Ord. No. 2015-09, § 2(Exh. A), 9-21-2015)

Sec. 10-520. - Purpose of district.

The A-1 agricultural district is intended to apply to those areas of the city where the future proper development is uncertain, and for which a more restrictive use would be premature and unreasonable.

(Ord. No. 2015-09, § 2(Exh. A), 9-21-2015)

Sec. 10-530. - Uses permitted.

The list of permitted uses for the A-1 district is provided in table 10-1, permitted uses, residential districts.

(Ord. No. 2015-09, § 2(Exh. A), 9-21-2015; Ord. No. 2019-001B, § 4, 9-25-2019)

Editor's note— Table 10-1 hereinabove referenced can be found at the end of article 10.

Sec. 10-540. - Dimensional use requirements.

The dimensional regulations for the A-1 district is provided in table 10-2, dimensional use requirements, residential districts.

(Ord. No. 2019-001B, § 4, 9-25-2019)

Editor's note— Sec. 4 of Ord. No. 2019-001B , adopted Sept. 25, 2019, amended § 10-540 in its entirety to read as herein set out. Former § 10-540 pertained to height and derived from Ord. No. 2015-09, adopted Sept. 21, 2015.

Table 10-2 hereinabove referenced can be found at the end of article 10.

Sec. 10-550. - Reserved.

Editor's note— Sec. 4 of Ord. No. 2019-001B , adopted Sept. 25, 2019, deleted § 10-550, which pertained to lot coverage, and derived from Ord. No. 2015-09, adopted Sept. 21, 2015.

Sec. 10-560. - Reserved.

Editor's note— Sec. 4 of Ord. No. 2019-001B , adopted Sept. 25, 2019, deleted § 10-560, which pertained to minimum lot area and width, and derived from Ord. No. 2015-09, adopted Sept. 21, 2015.

Sec. 10-570. - Reserved.

Editor's note— Sec. 4 of Ord. No. 2019-001B , adopted Sept. 25, 2019, deleted § 10-570, which pertained to setbacks, and derived from Ord. No. 2015-09, adopted Sept. 21, 2015.

Sec. 10-580. - Reserved.

Editor's note— Sec. 4 of Ord. No. 2019-001B , adopted Sept. 25, 2019, deleted § 10-580, which pertained to animal enclosures, and derived from Ord. No. 2015-09, adopted Sept. 21, 2015.

DIVISION 10. - AE-1 AGRICULTURAL ESTATES DISTRICT

Sec. 10-1010. - Purpose of district.

The AE-1 zoning classification is intended to apply to areas designated for single-family detached dwellings on lots of at least two and one-half (2½) acres in size. The classification is also intended to allow the limited agricultural use of property within its boundaries. All land now or hereafter included in the city is hereby zoned and designated AE-1 for single-family use unless otherwise specifically zoned (see also section 5-1020, regulation of unzoned property.).

(Ord. No. 2015-09, § 2(Exh. A), 9-21-2015)

Sec. 10-1020. - Uses permitted.

The list of permitted uses for the AE-1 district is provided in table 10-1, permitted uses, residential districts.

(Ord. No. 2015-09, § 2(Exh. A), 9-21-2015; Ord. No. 2019-001B, § 5, 9-25-2019)

Editor's note— Table 10-1 hereinabove referenced can be found at the end of article 10.

Sec. 10-1030. - Dimensional use requirements.

The dimensional regulations for the AE-1 district is provided in table 10-2, dimensional use requirements, residential districts.

(Ord. No. 2019-001B, § 5, 9-25-2019)

Editor's note— Sec. 5 of Ord. No. 2019-001B , adopted Sept. 25, 2019, amended § 10-1030 in its entirety to read as herein set out. Former § 10-1030 pertained to size of lot, and derived from Ord. No. 2015-09, adopted Sept. 21, 2015.

Table 10-2 hereinabove referenced can be found at the end of article 10.

Sec. 10-1040. - Reserved.

Editor's note— Sec. 5 of Ord. No. 2019-001B , adopted Sept. 25, 2019, deleted § 10-1040, which pertained to lot coverage, and derived from Ord. No. 2015-09, adopted Sept. 21, 2015.

Sec. 10-1050. - Building restrictions.

No building, fence, wall, pole or other structure shall be erected, placed or permitted to remain on any building or lot until the building plans and specifications meet the following criteria: Solid fence shall be limited to five (5) feet in height within ten (10) feet of property lines and shall not be over seven (7) feet in height within twenty (20) feet of the property lines. Shrubbery and living fences shall also comply with these provisions. Trees shall be permitted on the property lines provided that there is sufficient space between the trees to permit the free flow of air. Any person who constructs a culvert on any canal must construct a culvert not less than forty-eight (48) inches on the side canals and sixty (60) inches on the main canal. The main canal is defined as that canal detailed on the map attached to the ordinance from which this chapter is derived and on file in the office of the city clerk.

(Ord. No. 2015-09, § 2(Exh. A), 9-21-2015)

Sec. 10-1060. - Reserved.

Editor's note— Sec. 5 of Ord. No. 2019-001B , adopted Sept. 25, 2019, deleted § 10-1060, which pertained to setback requirements, and derived from Ord. No. 2015-09, adopted Sept. 21, 2015.

Sec. 10-1070. - Reserved.

Editor's note— Sec. 5 of Ord. No. 2019-001B , adopted Sept. 25, 2019, deleted § 10-1070, which pertained to prohibited uses, and derived from Ord. No. 2015-09, adopted Sept. 21, 2015.

Sec. 10-1080. - Nonconforming uses.

All uses not in conformance with this division, except mobile homes, are hereby declared to be nonconforming uses and may continue for a period of five (5) years or until the present owner of the property transfers the same; whereupon, the nonconforming use shall cease forthwith, and provided, further, that no use which violates the deed restrictions of the city shall be deemed a lawful nonconforming use.

(Ord. No. 2015-09, § 2(Exh. A), 9-21-2015)

Sec. 10-1090. - Variances.

Variances, for a limited term to be set in each case by the city commission, may be granted by a four-fifths (⅘) majority of the commission only upon application and a clear showing that the public health, safety, welfare and morals are served thereby in the sole discretion of the commission, whose decision shall be final.

(Ord. No. 2015-09, § 2(Exh. A), 9-21-2015)

DIVISION 15. - AE-2 AGRICULTURAL ESTATES AND BCE-1 ESTATE DISTRICTS

Sec. 10-1510. - Purpose of districts.

The AE-2 and Broward County E-1 zoning classifications are intended to apply to areas to be used for single-family detached dwellings on lots of at least one (1) acre in size. Areas zoned BCE-1 retain their pre-annexation zoning designation, the district regulations of which are incorporated herein. The classifications are also intended to allow the limited agricultural use of property within their boundaries.

(Ord. No. 2015-09, § 2(Exh. A), 9-21-2015)

Sec. 10-1520. - Uses permitted.

The list of permitted uses for the AE-2 and BCE-1 districts are provided in table 10-1, permitted uses, residential districts.

(Ord. No. 2015-09, § 2(Exh. A), 9-21-2015; Ord. No. 2019-001B, § 6, 9-25-2019)

Editor's note— Table 10-1 hereinabove referenced can be found at the end of article 10.

Sec. 10-1530. - Dimensional use requirements.

The dimensional regulations for the AE-2 and BCE-1 districts are provided in table 10-2, dimensional use requirements, residential districts.

(Ord. No. 2019-001B, § 6, 9-25-2019)

Editor's note— Sec. 6 of Ord. No. 2019-001B , adopted Sept. 25, 2019 amended § 10-1530 in its entirety to read as herein set out. Former § 10-1530 pertained to size of lot, and derived from Ord. No. 2015-09, adopted Sept. 21, 2015.

Table 10-2 hereinabove referenced can be found at the end of article 10.

Sec. 10-1540. - Reserved.

Editor's note— Sec. 6 of Ord. No. 2019-001B , adopted Sept. 25, 2019, deleted § 10-1540, which pertained to lot coverage, and derived from Ord. No. 2015-09, adopted Sept. 21, 2015.

Sec. 10-1550. - AE-2 building restrictions.

A. Within the AE-2 district, no building, fence, wall, pole or other structure shall be erected, placed or permitted to remain on any building, lot until the following building plans and specifications are met: Solid fences shall be limited to five (5) feet in height within ten (10) feet of property lines and shall not be over seven (7) feet in height within twenty (20) feet of property lines. Shrubbery and living fences shall also comply with these provisions. Trees shall be permitted on the property lines provided that there is sufficient space between the trees to permit the free flow of air.
B. No structure other than one (1) single-family residence and private garage and such outbuilding as may be required for residential or permitted agricultural use shall be erected, placed or permitted to remain on the property. In determining the square-footage of the dwelling, porches, carports, garages, areas not covered by a roof and areas covered only by screen shall be excluded.

(Ord. No. 2015-09, § 2(Exh. A), 9-21-2015)

Sec. 10-1560. - Reserved.

Editor's note— Sec. 6 of Ord. No. 2019-001B , adopted Sept. 25, 2019, deleted § 10-1560, which pertained to setbacks, and derived from Ord. No. 2015-09, adopted Sept. 21, 2015.

Sec. 10-1570. - AE-2 district supplemental use regulations.

A. No trailer (except boat trailers, horse trailers, utility trailers and recreational vehicles bearing an RV license tag) shall be permitted on any lot. No temporary structure or trailer shall be occupied for living purposes, temporarily or otherwise; except that for one (1) continuous period of time not exceeding six (6) continuous months' duration and upon the grant of a permit by the city, the owner of any lot may occupy a trailer located on said lot during the actual construction of a permanent residence thereon pursuant to a valid building permit issued by the city.
B. No sod, top soil, rocks or earth shall be removed from the land without the permission of the city.
C. All pets and animals must be confined to the premises of the owner. All livestock will be restricted to those animals generally considered as not obnoxious: Cattle, horses, dogs, cats and other commonly accepted animals. Commercial raising of obnoxious animals, such as hogs, goats, etc., is specifically prohibited. Commercial activities with any animals are specifically prohibited, except that this will not preclude the sale of agricultural products raised as a secondary activity to normal country living.
D. Any business, commercial or industrial use not specifically permitted under those uses permitted in section 10-1520, uses permitted, or by other ordinances of the city, is not permitted.

(Ord. No. 2015-09, § 2(Exh. A), 9-21-2015; Ord. No. 2019-001B, § 6, 9-25-2019)

Sec. 10-1580. - AE-2 district nonconforming uses.

All uses not in conformance with this division except trailers pursuant to section 10-1570, AE-2 district prohibited uses, are hereby declared to be nonconforming uses and may continue for a period of five (5) years from the date of the ordinance from which this division was derived or until the present owner of the property transfers the same, whereupon the nonconforming use shall terminate, and provided, further, that no use which violates the deed restrictions in the Pine Tree Estates shall be deemed a lawful nonconforming use.

(Ord. No. 2015-09, § 2(Exh. A), 9-21-2015)

Sec. 10-1585. - Reserved.

Editor's note— Sec. 6 of Ord. No. 2019-001B , adopted Sept. 25, 2019, deleted § 10-1585, which pertained to height, and derived from Ord. No. 2015-09, adopted Sept. 21, 2015.

Sec. 10-1590. - AE-2 district variances.

Variances, for a limited term to be specified in each case by the city commission, may be granted by a four-fifths (⅘) majority of the commission only upon application and a clear showing that the public health, safety, welfare and morals are served thereby in the sole discretion of the commission, whose decision shall be final.

(Ord. No. 2015-09, § 2(Exh. A), 9-21-2015)

Sec. 10-1595. - Pine Tree Estates.

The lands known as Pine Tree Estates, according to the legal description attached to the ordinance from which this division was derived, are hereby zoned AE-2 in accordance with the terms of this division.

(Ord. No. 2015-09, § 2(Exh. A), 9-21-2015)

Editor's note— The legal description referred to in this section is not included herein but is on file in the office of the city clerk.

DIVISION 20. - RS-1, RS-2, RS-2.5, RS-3, BCRS-3, AND RS-4 LOW-DENSITY SINGLE-FAMILY DISTRICTS

Sec. 10-2010. - Purpose of districts.

The RS-1, RS-2, RS-2.5, RS-3, Broward County RS-3, and RS-4 zoning districts are established to provide for a variety of low-density single-family dwelling units. Areas zoned BCRS-3 retain their pre-annexation county zoning designation, the district regulations of which are incorporated herein.

(Ord. No. 2015-09, § 2(Exh. A), 9-21-2015; Ord. No. 2019-001B, § 7, 9-25-2019)

Sec. 10-2020. - Uses permitted.

The permitted uses for the RS-1, RS-2, RS-2.5, RS-3, BCRS-3, and RS-4 low-density zoning districts are provided in table 10-1, permitted uses, residential districts.

(Ord. No. 2015-09, § 2(Exh. A), 9-21-2016; Ord. No. 2019-001B, § 7, 9-25-2019)

Sec. 10-2030. - Dimensional use requirements.

The dimensional regulations for the RS-1, RS-2, RS-2.5, RS-3, BCRS-3, and RS-4 low-density zoning districts are provided in table 10-2, dimensional use requirements, residential districts.

(Ord. No. 2019-001B, § 7, 9-25-2019)

Editor's note— Sec. 7 of Ord. No. 2019-001B , adopted Sept. 25, 2019, amended § 10-2030 in its entirety to read as herein set out. Former § 10-2030 pertained to height, and derived from Ord. No. 2015-09, adopted Sept. 21, 2015.

Table 10-2 hereinabove referenced can be found at the end of article 10.

Sec. 10-2040. - Reserved.

Editor's note— Sec. 7 of Ord. No. 2019-001B , adopted Sept. 25, 2019, deleted § 10-2040, which pertained to lot coverage, and derived from Ord. No. 2015-09, adopted Sept. 21, 2015.

Sec. 10-2050. - Reserved.

Editor's note— Sec. 7 of Ord. No. 2019-001B , adopted Sept. 25, 2019, deleted § 10-2050, which pertained to lot area and width, and derived from Ord. No. 2015-09, adopted Sept. 21, 2015.

Sec. 10-2060. - Reserved.

Editor's note— Sec. 7 of Ord. No. 2019-001B , adopted Sept. 25, 2019, deleted § 10-2060, which pertained to setbacks, and derived from Ord. No. 2015-09, adopted Sept. 21, 2015.

Sec. 10-2070. - Reserved.

Editor's note— Sec. 7 of Ord. No. 2019-001B , adopted Sept. 25, 2019, deleted § 10-2070, which pertained to floor area, and derived from Ord. No. 2015-09, adopted Sept. 21, 2015.

Sec. 10-2080. - Reserved.

Editor's note— Sec. 7 of Ord. No. 2019-001B , adopted Sept. 25, 2019, deleted § 10-2080, which pertained to density, and derived from Ord. No. 2015-09, adopted Sept. 21, 2015.

DIVISION 25. - RS-6 SPECIAL SINGLE-FAMILY DISTRICT

Sec. 10-2510. - Purpose.

The purpose of the RS-6 special single-family district is to permit variation in lot size, shape, width, depth and building setbacks for single-family developments in order to provide savings in installation costs, land resources and energy use, to preserve areas for common open space and to provide an incentive for the development of innovative and creative alternatives to the traditional single-family home while ensuring to the greatest extent possible compatibility with adjacent developments and existing neighborhoods.

After the effective date of this ordinance, the city shall no longer permit rezoning to the RS-6 district. Furthermore, existing RS-6 districts shall not be permitted to expand beyond their current zoning boundaries. All RS-6 districts existing prior to the effective date of this ordinance shall be considered legal and conforming.

(Ord. No. 2015-09, § 2(Exh. A), 9-21-2015; Ord. No. 2018-019, § 4(Exh. C), 4-3-2019)

Sec. 10-2520. - Uses permitted.

The permitted uses for the RS-6 district is provided in table 10-1, permitted uses, residential districts.

(Ord. No. 2015-09, § 2(Exh. A), 9-21-2015; Ord. No. 2019-001B, § 8, 9-25-2019)

Sec. 10-2530. - Dimensional use requirements.

The dimensional regulations for the RS-5 district are provided in table 10-2, dimensional use requirements, residential districts.

(Ord. No. 2019-001B, § 8, 9-25-2019)

Editor's note— Sec. 8 of Ord. No. 2019-001B , adopted Sept. 25, 2019, amended § 10-2530 in its entirety to read as herein set out. Former § 10-2530 pertained to land area required for subdivision, and derived from Ord. No. 2015-09, adopted Sept, 21, 2015.

Table 10-2 hereinabove referenced can be found at the end of article 10.

Sec. 10-2540. - Reserved.

Editor's note— Sec. 8 of Ord. No. 2019-001B , adopted Sept. 25, 2019, deleted § 10-2540, which pertained to lot size, and derived from Ord. No. 2015-09, adopted Sept. 21, 2015.

Sec. 10-2550. - Reserved.

Editor's note— Sec. 8 of Ord. No. 2019-001B , adopted Sept. 25, 2019, deleted § 10-2550, which pertained to lot coverage, and derived from Ord. No. 2015-09, adopted Sept. 21, 2015.

Sec. 10-2560. - Reserved.

Editor's note— Sec. 8 of Ord. No. 2019-001B , adopted Sept. 25, 2019, deleted § 10-2560, which pertained to height, and derived from Ord. No. 2015-09, adopted Sept. 21, 2015.

Sec. 10-2570. - Reserved.

Editor's note— Sec. 8 of Ord. No. 2019-001B , adopted Sept. 25, 2019, deleted § 10-2570, which pertained to density, and derived from Ord. No. 2015-09, adopted Sept. 21, 2015.

Sec. 10-2580. - Reserved.

Editor's note— Sec. of Ord. No. 2019-001B , adopted Sept. 25, 2019, deleted § 10-2580, which pertained to floor area, and derived from Ord. No. 2015-09, adopted Sept. 21, 2015.

Sec. 10-2590. - Reserved.

Editor's note— Sec. 8 of Ord. No. 2019-001B , adopted Sept. 25, 2019, deleted § 10-2590, which pertained to setbacks, and derived from Ord. No. 2015-09, adopted Sept. 21, 2015.

DIVISION 30. - RM-5 TO RM-10, and BCRM-5 LOW-MEDIUM-DENSITY DISTRICTS

Sec. 10-3010. - Purpose of districts.

The RM-5, Broward County RM-5, RM-6, RM-7, RM-8, RM-9 and RM-10 zoning districts are established for low-medium-density residential units consistent with the low-medium-density residential land use category. Areas zoned BCRM-5 retain their pre-annexation county zoning designation, the district regulations of which are incorporated herein.

(Ord. No. 2015-09, § 2(Exh. A), 9-21-2015; Ord. No. 2019-001B, § 9, 9-25-2019)

Sec. 10-3020. - Uses permitted.

The permitted uses for the RM-5 to RM-10, and BCRM-5 zoning districts are provided in table 10-1, permitted uses, residential districts.

(Ord. No. 2015-09, § 2(Exh. A), 9-21-2015; Ord. No. 2019-001B, § 9, 9-25-2019)

Editor's note— Table 10-1 hereinabove referenced can be found at the end of division 10.

Sec. 10-3030. - Dimensional use requirements.

The dimensional regulations for the RM-5 to RM-10, and BCRM-5 zoning districts are provided in table 10-2, dimensional use requirements, residential districts.

(Ord. No. 2019-001B, § 9, 9-25-2019)

Editor's note— Sec. 9 of Ord. No. 2019-001B, adopted Sept. 25, 2019, amended § 10-3030 in its entirety to read as herein set out. Former § 10-3030 pertained to height and derived from Ord. No. 2015-09, adopted Sept. 21, 2015.

Table 10-2 hereinabove referenced can be found at the end of article 10.

Sec. 10-3040. - Reserved.

Editor's note— Sec. 9 of Ord. No. 2019-001B , adopted Sept. 25, 2019, deleted § 10-3040, which pertained to lot coverage, building height, and derived from Ord. No. 2015-09, adopted Sept. 21, 2015.

Sec. 10-3050. - Reserved.

Editor's note— Sec. 9 of Ord. No. 2019-001B , adopted Sept. 25, 2019, deleted § 10-3050, which pertained to lot size and dimensions, and derived from Ord. No. 2015-09, adopted Sept. 21, 2015.

Sec. 10-3060. - Reserved.

Editor's note— Sec. 9 of Ord. No. 2019-001B , adopted Sept. 25, 2019, deleted § 10-3060, which pertained to setbacks, and derived from Ord. No. 2015-09, adopted Sept. 21, 2015.

Sec. 10-3070. - Reserved.

Editor's note— Sec. 9 of Ord. No. 2019-001B , adopted Sept. 25, 2019, deleted § 10-3070, which pertained to minimum floor area, and derived from Ord. No. 2015-09, adopted Sept. 21, 2015.

Sec. 10-3080. - Reserved.

Editor's note— Sec. 9 of Ord. No. 2019-001B , adopted Sept. 25, 2019, deleted § 10-3080, which pertained to density, and derived from Ord. No. 2015-09, adopted Sept. 21, 2015.

DIVISION 35. - PLANNED UNIT DEVELOPMENT DISTRICT

Sec. 10-3510. - Creation of planned unit development (PUD) district.

There is hereby created a planned unit development zoning district within the city limits. The boundaries of such planned unit development district are hereby defined as being the boundaries of the project known as Parkland Lakes. The six hundred sixty-six (666) acres of land which comprise the project known as Parkland Lakes, a legal description of which is attached to the ordinance from which this article is derived on file in the office of the city clerk, and incorporated by the reference herein, are hereby zoned as a planned unit development.

(Ord. No. 2015-09, § 2(Exh. A), 9-21-2015)

Editor's note— The legal description referred to in this section is not included herein but is on file in the office of the city clerk.

Sec. 10-3520. - Permitted uses.

The following uses shall be permitted in the Parkland Lakes project:

A. *Residential uses.*
   1. Single-family dwellings.
   2. Multiple-family dwellings.
   3. Residential accessory uses.
   4. Community residential homes, Type 1 and Type 2, shall be permitted in accordance with F.S. § 419.001, as amended.

B. *Nonresidential uses.*
   1. *Commercial uses.* Commercial uses within the planned unit development are subject to section 10-3550, general provisions.

2. *Special complexes.* Recreational, cultural, educational, civic or similar uses which are complementary to and compatible with the planned community.
3. *Utility services.* Public and private utility services and facilities, exclusive of sanitary land fill, trash sorting and/or transfer stations, incinerator, refuse trash dumps, and electric power generation plants that serve areas outside of the PUD.
4. *Government services; schools and places of worship.* Government services and accessory buildings and structures and public and private, nonprofit educational facilities and services; places of worship and buildings and structures accessory thereto.

(Ord. No. 2015-09, § 2(Exh. A), 9-21-2015)

Sec. 10-3530. - Common open space.

A. All common open space shall be preserved in perpetuity for its intended purpose as expressed in the master development plan. The developer shall choose one (1) or a combination of the following two (2) methods of administering common open space:
   1. Convey to trustees provided in an indenture establishing an association or nonprofit corporation of all individuals or corporations owning property within the planned unit development so that the common open space will be used as specified on the development plan and to ensure the maintenance of common open space.
   2. Retention of ownership, control and maintenance of common open space by the developer.
B. All privately owned, common open space shall conform to its intended use and remain as expressed in the master development plan through the inclusion in all deeds of appropriate covenants. The deed restrictions shall run with the land and be for the benefit of present as well as future property owners.

(Ord. No. 2015-09, § 2(Exh. A), 9-21-2015)

Sec. 10-3540. - Land use regulations.

A. *Residential density.* The maximum residential density for the Parkland Lakes project is hereby established at one and six-tenths (1.6) units per acre; and accordingly, the Parkland Lakes planned unit development may be developed at a maximum residential density of one and six-tenths (1.6) units per acre.
B. *Minimum lot areas and other requirements.*
   1. *Single-family residential.* The Parkland Lakes planned unit development shall include not less than four hundred fifty (450) individual and separate single-family lots, up to ten (10) percent of which shall have a minimum lot area of twenty-two thousand (22,000) square feet; the remaining ninety (90) percent or more of which shall have a minimum lot area of twenty-five thousand (25,000) square feet each. A single-family lot shall be not less than one hundred (100) feet wide at the building line; the minimum front yard depth shall be thirty-five (35) feet; minimum depth of rear yard shall be twenty-five (25) feet, and the combined width of side yards shall be at last thirty-five (35) feet; provided, however, that the distance separating principal buildings on adjacent lots shall be not less than thirty-five (35) feet. Homes constructed on single-family residential lots shall have a minimum square footage of two thousand (2,000) square feet under roof.
   2. *Multifamily residential.* The developer shall be allowed to develop up to five hundred and six (506) multifamily residential units on forty-three and seven-tenths (43.7) acres as shown on the master development plan attached to the ordinance from which this article is derived and incorporated herein. Units may not be transferred between the areas as identified on the master development plan. Each multifamily dwelling structure or group of multifamily structures shall be sited on its own delineated and defined lot and shall meet the following standards:
      a. *Site development plan.* No multifamily residential building or structure or part thereof shall be erected, nor shall any building permit be issued unless a site development plan for each building has been approved by the city planning and zoning board. Such approval by the city planning and zoning board shall not be effective until the thirty-first day after written notification of such approval is transmitted by the planning and zoning board to the city commission, and a building permit shall not be issued until thirty-one (31) days after written notification of approval and, then, only if the city commission has not adopted a resolution seeking to review the site development plan. Should the city commission desire to amend or consider the site development plan, it may, within thirty (30) days after notification of approval by the planning and zoning board, adopt a resolution providing that the development plan be reviewed by the city commission and fixing a date for such review. Upon the date fixed in such resolution, the city commission shall conduct a hearing upon the question of approval, rejection or modification of the site development plan. At such meeting, the city commission shall either reject, approve or approve and amend the site development plan. The action of the city commission shall be final, and building permits shall be issued in accordance with its decision. In approving the site development plan, the city planning and zoning board and the city commission, when applicable, shall consider location, size, height, spacing, appearance, character and utilization of the building or structure and the appurtenances, access and circulation for vehicles and pedestrians, streets, parking areas and the relationship to adjacent property. A site development plan to be submitted pursuant to this section shall include, but not be limited to, the following plans, designs, specifications and information:
         1. A site plan with grades or contours;
         2. Elevations, floor plans and uses of buildings and structures;
         3. Curb cuts, driveways, parking areas and waiting areas;
         4. Open space;
         5. Location, size, character, height and orientation of buildings;

6. Location and general character of landscaped areas; landscaping to comply with article 95, landscape and vegetation.

b. *Lot coverage.* Lot coverage shall not exceed twenty (20) percent; provided, however, that the lot coverage within areas B and S, as depicted on the recorded plat of Parkland Lakes PUD, and as depicted upon the master development plan for Parkland Lakes, shall not exceed twenty-six (26) percent.

c. *Height limitations.* In the areas designated on the master development plan as areas B and D, no multifamily dwelling unit shall exceed two (2) stories in height. In the area designated E on the master development plan, one hundred fifty (150) dwelling units may be built to a maximum height of three (3) stories; the remaining units shall be one (1) and two (2) stories in height in areas B, D and E.

d. *Parking.* Off-street parking shall be provided on the same lot as the housing units that are intended to be served or at a location that is conveniently accessible to such housing units and within a distance of one hundred (100) feet from the units. Not less than two and one-half (2½) parking spaces for each dwelling unit shall be provided. Each parking space shall be not less than ten (10) feet in width and eighteen (18) feet in length. Access aisles and driveways shall be a sufficient size to permit convenient and safe maneuvering of cars, and each space shall be accessible without driving over or through any other parking space. Off-street parking facilities, including access aisles and driveways, shall be surfaced with a hard, dustless material and maintained in a smooth, well-graded and drained condition. Drainage shall not cause a nuisance on adjacent or public property.

e. *Site boundaries.* No dwelling structure shall be erected or altered so as to be within ten (10) feet of its own delineated site boundary, of a boundary separating such site from adjoining property, of public access for travel or easement, or of another structure used or intended to be used as a dwelling.

f. *Roads.* The developer shall be subject to an ordinance which may be enacted by city in the future which regulates the issuance of building permits in relation to the service level of Holmberg Road. The developer recognizes that it has a financial or physical obligation to improve Holmberg Road, the extent and method of which shall be decided by the city and county during the platting process.

(Ord. No. 2015-09, § 2(Exh. A), 9-21-2015)

Sec. 10-3550. - General provisions.

A. *Zoning restrictions.* The zoning of the entire planned unit development is to be controlled by the master development plan and this article.

B. *Underground utilities.* All utilities within the entire six hundred sixty-six (666) acres of the planned unit development shall be installed underground. Main primary feeder facilities providing service to the project are exempt from this requirement. Transformers shall be pad-mounted on the ground and contained within pad mounts, enclosures or vaults.

C. *Roads and road rights-of-way.* All road rights-of-way shall be dedicated, at no cost to city, by the developer to the city at the time of platting. The developer shall designate the names of roads and road rights-of-way on the plat for the project. The developer shall install road signs and insignias. The developer shall construct all roads shown upon the plat in accordance with Broward County specifications for subdivision roads. When requested by the city, roads shall be dedicated to the city by the developer after construction and after inspection by the city to determine that the roads meet the county specifications for subdivision roads at no cost to the city.

D. *Street lighting.* The developer shall install street lighting necessary to serve the development according to the standards of the county department of transportation. The developer shall, at no cost to the city, maintain the street lighting which it installs, unless such street lighting is dedicated to the city when requested and accepted by the city, and the city shall not have any obligation to pay the cost of any electricity used by such street lighting system unless such system is dedicated to the city and accepted by it at no cost to the city.

E. *Location of sewage treatment plant.* The developer shall locate and construct the sewer treatment plant at the northeast corner of the project; the location of the utility site shall be more specifically shown on the master development plan. The lot upon which the sewer and water plant is located shall be as required by the county health department and other governmental agencies but shall not be less than two hundred twenty thousand (220,000) square feet. In addition, the following requirements shall be met:

1. No unenclosed sewer treatment facility shall be located nearer to any street line than one hundred twenty-five (125) feet nor nearer than five hundred (500) feet to any other residentially zoned property within Parkland Lakes.
2. No enclosed sewer treatment facility shall be located within five hundred (500) feet of any Parkland Lakes building site. No water pumping or treatment location shall be located nearer than fifty (50) feet to residentially zoned property.
3. The lot shall have a landscaped setback area at least thirty-five (35) feet in width or depth adjacent to all street lines and adjacent to all lot lines separating the subject lot from other residentially zoned property. The landscaped setback area shall not be used for any building, structure, fence, wall, parking, storage or other use; except that a fence not over six (6) feet in height may be erected in any such setback area at least thirty-five (35) feet from any street line. The landscaped setback area shall be planted with grass, shrubbery and trees, and no part shall be paved and surfaced except for minimum driveways and walkways for access. All landscaping shall be maintained in a healthy, growing condition, properly trimmed and watered.
4. All machinery, equipment and mechanical or electrical facilities shall be so designed and operated as to minimize noise effects upon surrounding residential properties.

F. *Primary access road during construction.* The developer shall provide access to the project from State Road 827 (Loxahatchee Road) and shall instruct all persons performing construction activities upon the project to use State Road 827 (Loxahatchee Road) as the route for access to the project.

G. *Preservation of trees.* In order to preserve the natural growth of cypress and pine trees, each application for a building permit shall be accompanied by a tree-

preservation plan, which plan shall ensure that only those cypress or pine trees which must be removed to permit construction in accordance with the master plan are to be removed.

H. *Location of canals.* The developer shall seek approval from the South Florida Water Management District to delete the drainage canal which has been proposed to be located along the western boundary of the project. If the South Florida Water Management District continues to require that the canal be dug at the location aforementioned, then the developer shall take such steps as are necessary to ensure that such canal is kept at the same water level as the existing canal adjacent to the western boundary of the project. The drainage plan which must be submitted by the developer at the time of platting shall provide that all surface water within the boundaries of the Parkland Lakes project will be drained into the Hillsboro Canal or internal lakes and not onto adjacent properties and, further, that the lots within the Parkland Lakes project shall be graded so that there shall be no standing surface water. When the developer has sold out the project, the developer shall dedicate all drainage pumps to the city at no cost to the city.

I. *Boundaries.* Single-family residential lots shall be located along the western and southern boundary lines of the project. Those single-family residential lots located along the western boundary of the project shall not be less than thirty-two thousand six hundred seventy (32,670) square feet, not including easements or dedication for the Riverside Drive right-of-way. The provisions of this section shall be construed and implemented so as to implement the settlement agreement executed by the city on May 21, 2002, in the matter of *Riverside Coalition vs. City of Parkland* (Broward County Circuit Court Case No. 9913747), hereinafter referred to as "the settlement." The settlement and the restrictive covenant executed and recorded on June 24, 2004, in Official Records Book 37711, page 1310, shall govern the use and development of the area which was formerly the trafficway known as Riverside Drive. The city commission finds that the settlement and the restrictive covenant are consistent with and serve to implement the purposes and intent of this planned unit development.

J. *Riverside Drive.* The right-of-way formerly designated for the extension of Riverside Drive has been vacated by action of the city commission and the Broward County Commission. The use and development of the former right-of-way is subject to the settlement and the restrictive covenant executed and recorded on June 24, 2004, in Official Records Book 37711, Page 1310.

K. *Construction and installation of water and sewer lines.* The material used by the developer to construct the water and sewer lines shall conform to the standards of the American Waterworks Association and Broward County specifications and shall be approved by the city prior to construction.

L. *Commercial uses.* The area designated for commercial use within the planned unit development shall comply with the regulations of the neighborhood business (B-1) district as they are from time to time amended.

M. *Entrance to the project.* At platting, the developer shall submit a plat which aligns the east line of the roadway entering the property with the east line of Northwest 75th Way.

N. *Recordation of documents.* This article and master development plan shall be recorded in the public records of the county after adoption. In addition, the terms and conditions of that certain agreement by and between Narco Realty, Inc., City of Parkland and Allomon Corporation, dated December 21, 1978, and [original] sections 22-67 through 22-73 [sections 10-3530 through 10-3570] shall be recorded in the public records of the county by the developer as covenants running with the land.

O. *Property owners' association.* The developer shall create a property owner's association to be known as the Parkland Lakes Property Owners' Association, and the instruments creating such property owner's association will be covenants running with the land and shall require, among other things, that the property owner's association maintain all nondedicated property within the Parkland Lakes project.

P. *Excavations.* The developer shall not accomplish any excavation within the project by dynamiting.

(Ord. No. 2015-09, § 2(Exh. A), 9-21-2015)

Sec. 10-3560. - Master development plan.

A. The master development plan shall be the total site plan for the planned unit development. The master development plan specifies and indicates the following:
   1. The location, relationship, design, nature and character of all primary and secondary uses;
   2. Public and private easements (to be designated by plat);
   3. Public and private roads;
   4. Common open space;
   5. Interior vehicular circulation system;
   6. Site features, including buffer zones.

B. The master development plan is hereby incorporated by reference. No permits shall be issued by the city, and no development shall commence unless in substantial conformance with the master development plan and this article. Changes and deviations from the master development plan which are in compliance with the provisions and intent of this article and which do not depart from the principal concept of the approved master development plan may be approved by the city without the necessity of amending this article. Changes or deviations from the master development plan which are required by other governmental entities shall not be deemed to be substantial deviations from the master development plan.

(Ord. No. 2015-09, § 2(Exh. A), 9-21-2015)

Sec. 10-3570. - Amendments to this article.

Any proposed amendment to this article, whether proposed by developer or by the city, which is determined by the city to be a substantial deviation from the terms of this article, shall not be adopted unless the amendment is submitted to a referendum vote within the city and unless at least eighty (80) percent of the electors of the city voting in such election vote in favor of the proposed amendment.

(Ord. No. 2015-09, § 2(Exh. A), 9-21-2015)

DIVISION 40. - PRD PLANNED RESIDENTIAL DEVELOPMENT DISTRICT AND PCD PLANNED COMMERCIAL DISTRICT

Footnotes:
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***Editor's note—** Sec. 2(Exh. A) of Ord. No. 2018-019, adopted Apr. 3, 2019, repealed and replaced div. 40 in its entirety to read as herein set out. Former div. 40 pertained to the same subject matter, consisted of §§ 10-4010—10-4090, and derived from Ord. No. 2015-09, adopted Sept. 21, 2015.*

Sec. 10-4000. - Definitions.

The terms used herein shall be liberally interpreted in such a way as to require a reasonable application of such term to the circumstance in order to effectuate the public purposes contemplated herein.

For the purposes of this division, the following words and phrases shall have the meanings herein set forth when not inconsistent with the context:

Amenities means a common or shared community resource, feature, or space that provides a public benefit.

Building line means a horizontal building façade line that generally runs parallel to a property line.

Building line, primary means the closest building line to the front property line.

Clubhouse means a shared building programmed for community use and recreation.

Community means an individually approved master planned residential district.

Street, primary means the most prominent streets in a community providing the main circulation. These are usually the widest, and include streets that connect to community entrances.

Street, secondary means ancillary streets, connected to the primary roads that provide access to subareas of a community including cul-de-sacs.

Street, tertiary means the least prominent streets in a community, usually the smallest, and potentially consisting of alleyways or drives that provide access to rear-loaded lots.

(Ord. No. 2018-019, § 2(Exh. A), 4-3-2019; Ord. No. 2019-007A, § 2(Exh. A), 9-25-2019)

Sec. 10-4010. - Purpose.

A. The primary purpose of the planned residential development (PRD) district and the planned commercial district (PCD) is to permit land under unified control to be planned and developed as a whole (as a single operation or an approved series of operations) with a greater amount of flexibility by removing some of the detailed restriction of conventional zoning. Planned residential and commercial developments are recognized as serving the public interest and shall be reviewed in accordance with the following objectives (i.e., planned residential and commercial developments):
    1. Allow diversification of uses, structures and open spaces when not in conflict with existing and permitted land uses on abutting properties;
    2. Reduce improvement costs through a more effective use of land and a smaller network of utilities and streets than is possible through the application of standards contained in conventional land development regulations;
    3. Conserve the natural amenities of the land by encouraging the preservation and improvement of scenic and functional space;
    4. Provide maximum opportunity for application of innovative site planning concepts to the creation of aesthetically pleasing environments for living on properties of adequate size, shape and location that would not be permitted in other districts;
    5. Ensure compliance with anti-monotony standards to avoid repetitive design patterns and appearance within planned residential communities;
    6. Foster a sense of community through the provision of on-site amenities and useable and functional open spaces that are sized and located to accommodate the residents of a PRD;
    7. Ensure that development will occur according to limitations of land use, site design, population density, lot coverage, improvement standards and construction phasing authorized through the approval of a master development plan;
    8. Ensure that development will occur within the guidelines and intent of the city comprehensive plan. Planned residential and commercial developments are equally adaptable to new development, redevelopment and the conservation of land, water and other city resources. It is the intent of these regulations for planned residential and commercial developments to accomplish not only unified planning but also (to the extent not inconsistent with the intent and

objectives of this chapter) the purpose of zoning and other applicable city regulations to the same degree that they are intended to control development on a lot-by-lot basis; and

9. Based upon the substantial public advantages of planned residential and commercial development, it is the intent of planned residential and commercial development regulations to promote and encourage development in this form where tracts are suitable in size, location and character for the uses and structures proposed to be planned and developed as unified and coordinated communities.

B. The city commission shall only approve a rezoning to a PRD or PCD where the applicant can affirmatively demonstrate that its proposal complies with and furthers the above goals and objectives.

(Ord. No. 2018-019, § 2(Exh. A), 4-3-2019; Ord. No. 2019-007A, § 2(Exh. A), 9-25-2019)

Sec. 10-4020. - Unified control.

All land included for the purpose of development within a planned residential or commercial development district shall be under the control of the applicant (an individual, partnership or corporation, or group of individuals, partnerships or corporations). The applicant shall present satisfactory legal documents to constitute evidence of the unified control of the entire area within the proposed planned unit development. The applicant shall agree in the application for rezoning to the following:

A. To proceed with the proposed development according to the provisions of these regulations and conditions attached to the rezoning of the land to PRD or PCD.

B. To provide agreements, contracts, covenants, deed restrictions, or other documents and sureties acceptable to the city, binding all owners for the completion of the development according to the plans approved at the time of rezoning to PRD or PCD and for continuing operation and maintenance of such areas, functions and facilities which are not proposed to be provided, operated or maintained at public expense. Sufficient documentation must exist to assure that all provisions of any adopted PRD or PCD are binding on the entire property.

C. If the developer elects to administer common open space through an association or nonprofit corporation, said organization shall conform to the applicable laws of the State of Florida.

(Ord. No. 2018-019, § 2(Exh. A), 4-3-2019; Ord. No. 2019-007A, § 2(Exh. A), 9-25-2019)

Sec. 10-4030. - Permitted uses.

A. The uses permitted within a PRD shall be consistent with the uses permitted within the residential land use designation of the land use element of the comprehensive plan, as further restricted to the uses permitted in the residential zoning districts of this chapter and by the ordinance rezoning the property to PRD.

B. The uses permitted within a PCD shall be restricted to uses permitted in the B-1, B-2 and OP zoning districts of this chapter, as may be further limited by the ordinance rezoning the property to PCD. Places of worship shall be permitted as of right. Residential dwelling units may be permitted in a PCD in accordance with and as allowed by the commercial-to-residential flexibility provisions of the comprehensive plan and Article 2.5 of the Administrative Rules Document of the Broward County Land Use Plan, as may be amended from time to time. However, residential units shall only be permitted in structures that also house commercial uses. No freestanding residential units shall be permitted. In addition, the city commission must make a finding that inclusion of such residential units as part of the overall proposed development is appropriate and will enhance the quality of the project and that the required master plan provides for a compatible co-location of all uses on the project site.

(Ord. No. 2018-019, § 2(Exh. A), 4-3-2019; Ord. No. 2019-007A, § 2(Exh. A), 9-25-2019)

Sec. 10-4040. - General provisions.

A. Any land zoned to a PRD or PCD shall be restricted to the uses as specifically approved in the master plan contained in the ordinance approving the PRD or PCD. If a specific parcel or amount of land is set aside for community facility, park, public education and/or conservation as identified on the master plan or approved plat for the area covered by the master plan, any area set aside for such use shall be restricted for the use so specified; such use restriction shall be binding and no change in the use shall be permitted unless the city commission approves an ordinance amending the PRD or PCD and an equal amount of land is set aside within the PRD or PCD parcel or in another area of the City of Parkland for such use and said area is specifically set aside for such use in the master plan and plat, or if outside the PRD or PCD, such land is subject to a binding deed restriction and development agreement acceptable to the city. No application for such change shall be processed by the city unless it bears the signatures of the owners of at least sixty-seven (67) percent of the land area within the PRD or PCD.

B. Accessory structures that are usual and customary to a single family detached lot that are not specifically included on an approved master plan for a PRD zoning district may be permitted subject to compliance with the provisions of article 55, "relief and appeal procedures", division 12, "accessory structures in PRD districts not specified on an approved master plan".

C. A pre-application meeting with the planning and zoning director is required prior to the submission of a master plan and site plan within a PRD or PCD. At this meeting, the applicant is required to present conceptual drawings. The complete submission list shall be available for inspection at the planning department.

D. At the time of master plan submission for a PRD, an applicant shall show the proposed location of all entry features, amenities, and open space parcels; as well

as sales centers and model row as applicable. An applicant shall also include conceptual layouts of these features at the time of initial PRD site plan approval. The conceptual designs shall demonstrate the general organization and essential elements of the aforementioned features.

E. PRD site plan applications for community features including clubhouse and recreation facilities, entry features, gatehouses, and model row(s) shall not be approved without a corresponding CAB application.

(Ord. No. 2018-019, § 2(Exh. A), 4-3-2019; Ord. No. 2019-007A, § 2(Exh. A), 9-25-2019 ; Ord. No. 2020-023, § 2, 2-3-2021)

Sec. 10-4050. - Land use regulations.

A. *Minimum size of PRD or PCD.* All planned residential and commercial developments shall contain a minimum of ten (10) acres of contiguous land unless the city commission finds that a tract which contains less than ten (10) acres is suitable as a planned residential or commercial development by virtue of some unusual conditions; in which case, the minimum may be waived by the city commission.

B. *Maximum density.*

1. The total number of dwelling units permitted in a PRD shall not exceed the total number of units permitted by the adopted future land use map.
2. The maximum number of dwelling units permitted in a PCD shall be determined by applying the residential-to-commercial flexibility provisions of the comprehensive plan.
3. The ordinance adopting the specific rezoning for a given PRD in question shall so specify the allowable number of units permitted in that particular planned residential development.

C. *Minimum lot area, distance between structures, frontage and setbacks.*

1. No minimum lot size shall be required within a PRD or PCD.
2. The appropriate distance between structures shall be evaluated on an individual development basis after considering the type and character of the proposed structure types within a development and after consideration of the relevant provisions of this chapter.
   a. In no instance shall there be less than a fifteen-foot building separation between all single family detached and two-family dwelling units, as measured between the closest vertical walls of adjacent structures.
   b. Multifamily buildings and townhome buildings shall be separated by a minimum distance of one-quarter (¼) the sum of the length of the adjacent structures [minimum separation = 0.25 X [(length of building no. 1) + (length of building no. 2)]]. In lieu of the minimum separation, adjacent multifamily and townhome buildings may provide a minimum front setback variation of five (5) feet. If such setback variation is provided, the minimum required separation shall be reduced to twenty-five (25) feet regardless of building length.
3. Each dwelling unit and other permitted use shall have access to a public street either directly, or indirectly via an approach, private road, pedestrian way, court or other area dedicated to public or private use of common easement guaranteeing access. Permitted uses are not required to front on a dedicated road. The city shall be allowed access on to privately owned roads, easements and common open space to ensure the police and fire protection of the area, to meet emergency needs, to conduct city services and to generally ensure the health and safety of the residents of the planned residential development.
4. There are no required setbacks or yards except the following:
   a. There shall be a setback or yard of not less than twenty-five (25) feet in depth abutting all public road rights-of-way, except that there shall be a setback of not less than seventy-five (75) feet in depth within a PRD and one hundred (100) feet in depth within a PCD abutting a trafficway as depicted on the Broward County Trafficways Plan as amended from time to time.
   b. There shall be a peripheral setback from boundary lines of a PRD and PCD when abutting a nonresidential use or district of not less than twenty-five (25) feet in depth.
   c. There shall be a peripheral setback from boundary lines of a PCD, where abutting a residential use or district, of not less than fifty (50) feet in depth.
   d. Detached single-family front building setbacks shall be varied to avoid repetitious development patterns. These building setback variations shall be a minimum of five (5) feet, as measured from the front property line to the primary building line, exclusive of garages. No more than two (2) adjacent units shall be located on the same setback line without the aforementioned variation.
   e. Exclusive of garages, the front façade of detached single-family residences shall be comprised of a minimum of two (2) distinct vertical building planes. These planes shall be offset from each other by a minimum of three (3) feet (Refer to Figure 1).

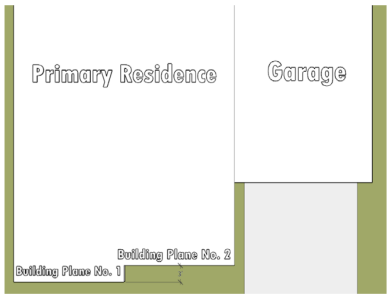


Figure 1 - Building Planes

NOTE: Graphics contained herein are for explanatory purposes only. Graphics may not be to scale and shall not supersede the written standards herein.

f. No more than two adjacent attached residential units shall be located on the same building line without a change in setback of three (3) or more feet (Refer to Figure 2). This shall only apply to the facades within the front yard.

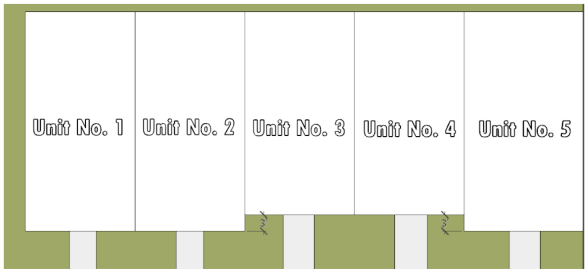


Figure 2 - Attached Unit Setback Variation

D. *Maximum length of structures.* No residential structure shall exceed a length of two hundred (200) feet, nor any of the following:
   1. Residences other than single-family detached units shall not have more than six (6) attached units on any horizontal plane in one (1) building.
   2. If a residential structure other than a single-family detached unit exceeds two (2) stories, it shall be limited to a maximum width of four (4) units and a maximum dimension of one hundred twenty (120) feet.
   3. To foster a proportion between lot size and residential unit size, the following minimum standards shall apply to detached single-family residential lots. However, the Commission may vary these standards if mitigation is provided for through creative design, which may include but not is not limited to, second-story setbacks and/or front façade relief.
      a. *Single story residential unit.* Residential front yard facade width shall not exceed seventy-five (75) percent of the width of the lot. Cul-de-sac lots with curvilinear front yard lot lines shall be measured from the established front yard setback line.
      b. *Multi-story residential unit.* Residential front yard façade width shall not exceed sixty-five (65) percent of the width of the lot. Cul-de-sac lots with curvilinear front yard lot lines shall be measured from the established front yard setback line.

E. *Maximum height of structures.* The city commission, after considering the recommendation from both the planning and zoning board, and city staff, shall determine the appropriate height limitations on an individual development basis after considering the character of the surrounding area, the character of the proposed development and the goals for community development as stated in the city comprehensive plan.

F. *Minimum floor area requirements for residential units located in a PRD or PCD.* The minimum floor area, as defined, per dwelling unit shall be as follows:
   1. Detached single-family dwelling: One thousand one hundred fifty (1,150) square feet.
   2. Attached single-family dwelling (RS-6 unit): One thousand one hundred fifty (1,150) square feet.
   3. One-bedroom multifamily, townhouse: Seven hundred fifty (750) square feet.
   4. Each additional bedroom (multifamily, townhouse): One hundred twenty-five (125) square feet.

G. *Site coverage.*
   1. The combined ground area occupied by all principal and accessory buildings and enclosed roofed structures within a PRD shall not exceed the following percentages:
      a. Single-family residential lots developed with single-story units shall not exceed forty (40) percent lot coverage on each individual lot.
      b. Single-family residential lots developed with multi-story units shall not exceed thirty-five (35) percent lot coverage on each individual lot.
      c. Townhouse, or similar lots, shall not exceed forty (40) percent lot coverage on each individual lot.
      d. All other lots within a PRD shall not exceed thirty (30) percent lot coverage.
   2. The combined ground area occupied by all principal and accessory buildings and roofed structures within a PCD shall not exceed the following percentages of total land area within the PCD:

Height of Building	Maximum Site Coverage
One- and two-story	25 percent
Three-story	23 percent
Four-story	21 percent

3. Where buildings of different heights are to be constructed, the site coverage shall not exceed the weighted average of the applicable coverages indicated in subsections 1. and 2., above.

H. *PRD general form.* PRDs shall comply with the following design requirements:

1. *General community design.*
   a. A PRD shall have a defined vision as a well as a design theme or character that addresses a specified market and or lifestyle. This defined vision shall be evident in the development plan, amenity package, architectural design, and model homes.
   b. PRDs shall encourage a diversity of population and households through a range of choices in housing typologies. Where practical, PRDs should be designed to encourage aging-in-place by providing opportunities for growing and aging households. Further, age restricted PRDs shall include universal design elements within the community and proposed housing models, as described by authorities such as the American Planning Association and the Centre for Excellence in University Design, National Disability Authority.
   c. Applicant shall provide a range of lot widths (typologies) to accommodate placement of different shaped and sized homes. Lot typologies should be dispersed throughout a development to avoid distinct areas of solely one lot type. Applicant may instead alternate housing typologies in lieu of providing lot width variation. An alternate housing typology shall mean a change from single-family to multifamily or a similar change. A sole change of housing models within the same typology shall not satisfy this requirement.
   d. Corner lots shall be a point of design emphasis. Residential units placed on a corner lot shall be designed so both the front and side facades enhance the street through commensurate levels of fenestration, architectural treatments, and embellishments.
2. *Streets.*
   a. Master plan design shall include a hierarchy of streets including primary, secondary, and tertiary streets within the community. Each street typology shall have a distinct design palette with emphasis on primary streets.
      i. Primary streets shall include a central landscaped median, and a distinctive landscape palette, providing visual emphasis. Alternatively, primary roads may provide widened tree lawns between the curb and adjacent sidewalk. These widened tree lawns shall be a minimum of twelve (12) feet, on average, as measured between the back of the curb and the edge of the adjacent sidewalk. The tree lawn shall be planted with materials to provide shade to the adjacent street and sidewalk at time of maturity.
      ii. Lots shall be designed to front internal primary streets, prohibiting rear yards along internal primary streets. This is not intended to prohibit rear yards along adjacent roadways outside of a community.
3. *Internal circulation.* An internal pedestrian and bicycle circulation system consistent with section 130-20, sidewalks, multi-use paths/trails, and bicycle lanes, shall be provided within a planned residential development separate from vehicular circulation systems. Such pedestrian and bicycle ways shall be surfaced with a durable and dustless material.
   a. Except at points of crossing, the required circulation system shall be separated from adjacent roadways by a minimum landscape buffer at least five (5) feet in width.
   b. The required circulation system shall be partially shaded by adjacent trees, at time of plant maturation.
4. *Environmental.*
   a. Natural assets and environmentally sensitive areas shall be protected and used as an organizing element for design. Examples include, but are not limited to, areas of mature vegetation.
   b. Water feature and retention areas shall be designed as a prominent feature of a community and shall be distributed throughout a community accordingly.
5. *Gateways.*
   a. PRD developments shall be designed with a gateway feature, highlighting the community entrance(s) with a mix of landscape, hardscape, signage, or architectural features. The design shall create a sense of identity, arrival, and prominence.
   b. If a proposed entry feature is less than a two-tenths of a mile to an existing entry feature (as measured along the centerline of the right-of-way), the proposed feature shall be designed to complement the existing entry feature. The proposed feature shall acknowledge and respond to the existing feature in terms of design cues and physical form.
   c. When a residential gateway feature integrates signage with enhanced, interactive design features such as water-walls, the gateway signage shall not be limited to the height of six (6) feet prescribed in subsection 100-1510.A.4.a. However, in no case shall the letter height or sign area exceed the maximums stated in section 100-1550 without a variance.
   d. To ensure guardhouses and entry features are completed concurrently with residential dwelling units, the applicant shall provide a construction schedule outlining completion milestones, approved by the city at the time of site plan approval for said features.
      i. The city shall allocate building permits for units approved in the PRD site plan in the following manner to ensure guardhouses and entry features are completed concurrently with the build-out of a community;

ii. No more than twenty-five (25) percent of residential building permits shall be issued until all approved guardhouses are complete and operational.

iii. No more than fifty (50) percent of residential building permits shall be issued until all approved entrance features are complete, and operational if applicable.

iv. Should established and approved milestones not be met, the city shall have the discretion to withhold future building permits until such a time that the required improvements have been completed.

6. *Required recreation amenities.* Each PRD of record shall be required to provide recreational amenities within its own community for the enjoyment of residents. While joint access may be provided between multiple communities as an added benefit, each PRD shall be required to provide its own recreational amenities that satisfy the requirements herein. At the time of initial site plan approval, an applicant shall identify the proposed programming/use of the recreation parcel(s).

a. Common areas and recreation facilities shall be located to be readily and equitably accessible to all residents of a community. As such, common open spaces shall be distributed throughout a proposed development.

b. Each PRD community developed under unified control shall be required to provide all of the following amenities, in scale with the community size:

i. Clubhouse facility at a minimum rate of twenty (20) square feet per residential unit - measured by air-conditioned area.

ii. Swimming pool.

iii. Athletic courts and/or fields.

iv. Passive and active recreation options.

v. Activity options for all ages and abilities. If a PRD is age restricted, activity options shall be designed accordingly and need not include all age ranges.

c. Recreation facility construction schedule. To ensure completion of the required PRD clubhouse and recreation amenities, the applicant shall provide a construction schedule outlining completion milestones, approved by the city at the time of site plan approval. This schedule shall identify all improvements required by section 10-4050.H.6, required recreation amenities.

i. The city shall allocate building permits for units approved in the PRD site plan in the following manner to ensure the stated amenities are completed prior to build-out of a community:

ii. No more than twenty (20) percent of building permits may be issued prior to installation of all water and sewer infrastructure and commencement of vertical construction.

iii. No more than fifty (50) percent of all building permits may be issued prior to completion of site grading and completion of the clubhouse building shell (including roof, tiles, windows, and doors).

iv. No more than seventy-five (75) percent of all building permits may be issued prior to completion of all clubhouse and recreation improvements shown on the approved site plan.

v. Should established and approved milestones not be met, the city shall have the discretion to withhold future building permits until such a time that the required improvements have been completed.

I. *Off-street parking and loading requirements.* Off-street parking and loading for PRDs and PCDs shall be provided in compliance with article 90, as may be amended, except as modified herein.

1. Parking for clubhouse and recreation facilities shall be provided at the greater rate of one (1) parking space per every four (4) dwelling units within a PRD; or one (1) space per every fifty (50) square feet of any open-area assembly area within the clubhouse facility. Should multiple clubhouse or recreation facilities be proposed within a single PRD, the applicant shall coordinate with the city to determine distribution of these required parking spaces based on the proposed design programming. An applicant may be permitted to submit a parking study for consideration by the city to assess a potential reduction in required clubhouse parking.

2. If community mailboxes are not located on the recreation parcel, they shall be distributed throughout the community as permitted by the USPS. Each mailbox area shall be designed with a minimum of two (2) adjacent designated parking spaces; or a designated pull-off area capable of accommodating a minimum of two (2) cars, in addition to the USPS required space dedication for postal trucks.

3. All other parking standards outlined in article 90 shall apply. In the event of conflicting standards, parking regulations contained herein shall take precedence.

J. *Landscaping.*

1. Landscaping shall be provided in compliance with article 95. The city commission may require that additional landscaping be provided in unique situations.

2. The planned development should have an overall landscaping scheme that should be practical and aesthetically functional. Plant material should be used to accomplish the design objectives of the planned development, help define the character of open spaces, and identify routes of movement. Plant materials should be native to South Florida and functionally appropriate for shade, shelter and the intended height and mass, texture, color and form. Significant spaces and routes of mobility should have distinctive planting schemes to give identity to these areas.

K. *Underground utilities.* Within the planned development, all utilities, including telephone, television cable and electrical systems, shall be installed underground. Primary facilities providing service to the site may be exempted from this requirement. Large transformers shall be placed on the ground and contained within

pad mounts, enclosures or vaults. Adequate landscaping with shrubs and plants shall be provided to screen all utility facilities permitted aboveground.

L. *Open space requirements.*

1. A PRD shall provide and maintain pervious open space at least equal to thirty-five (35) percent of the gross area (including all land within the perimeter) of the planned residential development.
    a. For the purposes of this section, open space shall not include the following:
        i. Yards on individual lots or yards that are reserved for the use of an individual property owner; or property that is owned in whole or part by a party other than the HOA or city.
        ii. Dedicated streets, alleys, or other public rights-of-way.
        iii. Vehicular drives, private streets, parking and loading areas, and storage areas.
        iv. Open space or landscaped areas less than one hundred fifty (150) square feet, or with any dimension of less than ten (10) feet.
    b. Areas to be calculated towards the open space requirement shall be physically accessible to all residents and shall not be privatized for the enjoyment of one (1) or a select group of residents.
        i. Water features such as lakes and/or ponds, contributing to open space calculations, shall be partially open and free of residential development on at least one (1) of four (4) sides. This common open area providing visual and physical access to the waterfront shall measure at least two hundred (200) feet in width.
        ii. Water surface areas shall account for no more than fifty (50) percent of the total required open space.
        iii. Parcels designed to accommodate a clubhouse or similar facility shall count toward no more than twenty-five (25) percent of the total required open space.
2. A planned commercial development (PCD) shall provide and maintain open space at least equal to thirty (30) percent of the gross area (including all land within the perimeter) of the planned commercial development.

M. *Energy conservation.* A planned development shall incorporate passive energy conservation in its site design. Such measures shall include, but need not be limited to, the directional orientation of buildings, the location of windows, minimization of radiant heat absorption and the inclusion of energy-efficient landscaping.

N. *Professional services required.* Any plans submitted as a part of a petition for a PRD or PCD shall certify that the services of competent professionals were utilized in the designing or planning process and shall state their names and businesses and addresses. Plans must be prepared by either a planner who, by reason of his education and experience, is qualified to become or is a full member of the American Institute of Certified Planners, an architect or landscape architect licensed by the State of Florida, together with a professional engineer registered by the State of Florida and trained in the field of civil engineering and/or professional surveyor and mapper licensed by the State of Florida.

(Ord. No. 2015-09, § 2(Exh. A), 9-21-2015; Ord. No. 2019-007A, § 2(Exh. A), 9-25-2019)

Sec. 10-4060. - Procedures and requirements for rezoning to a PRD or PCD.

A. *Generally.* The process for rezoning to PRD or PCD shall be the same as for a rezoning pursuant to article 50, procedures and requirements for rezonings and text amendments to the land development code.

B. *Master plan required.* A master plan meeting the requirements of this section shall be required of developments requesting rezoning to PRD or PCD.

C. *Contents of master plan.* A master plan shall include the following information:

1. Delineation of the geographical area covered by the entire development.
2. General schematic representation of the land uses included within the development.
3. Approximate delineation of internal circulation with hierarchical classification of streets.
4. Points of connection of the local streets to the trafficways, including a general indication of the necessary improvements to the trafficway to accommodate the local trips generated by the development.
5. General location and size of any community facility included within the development, such as parks, schools, fire stations, community centers, etc.
6. Location of entry features, amenities, clubhouse, and open space; as well as sales center and model row as applicable.
7. Indication of existing native vegetation and any other natural features within the development.
8. Schematic depiction of surface water management elements, including retention facilities, drainage easement and swales.
9. Table of computation of land-use distribution showing proposed uses, acreage and number of units and density in the case of residential uses.
10. Schematic depiction of the water and wastewater treatment facilities and/or the source of public water and wastewater disposal facilities; general distribution and collection plans within the development, including easements for utility pipelines.
11. Table of uses to be permitted within a planned commercial district.

12. Impact analysis report as required in section 35-20, impact analysis report.
13. Such other information as determined by the planning and zoning director to be relevant to the application.

(Ord. No. 2015-09, § 2(Exh. A), 9-21-2015; Ord. No. 2019-007A, § 2(Exh. A), 9-25-2019)

Sec. 10-4070. - Conformance to approved master development plan and list of permitted uses and densities; modifications.

A. After rezoning to PRD or PCD, no permits shall be issued by the city, and no development shall commence, unless in conformance with the approved master plan and the approved list of permitted uses, densities and intensities.
B. Modifications to the approved master development plan are subject to the procedures prescribed in section 30-10, administration; generally applicable procedures, and article 40, site plan procedures.

(Ord. No. 2015-09, § 2(Exh. A), 9-21-2015; Ord. No. 2019-007A, § 2(Exh. A), 9-25-2019)

Sec. 10-4080. - Waivers.

A proposed development shall fully comply with all standards contained in this section and no waivers shall be available. However, this does not preclude an applicant from applying for variances.

(Ord. No. 2015-09, § 2(Exh. A), 9-21-2015; Ord. No. 2019-007A, § 2(Exh. A), 9-25-2019)

Sec. 10-4090. - Effective period of PRD and PCD approval.

Approval of a rezoning to PRD or PCD shall be void after a period of eighteen (18) months following the date of approval unless a building permit for a principal building has been issued and construction has begun. The city commission may grant successive six-month extensions upon an application by the owner or developer which costs shall be borne by the property owner requesting the extension. After the issuance of a building permit for a principal building and after construction has begun, the PRD or PCD approval shall remain in effect until the completion of the development; provided, however, that the PRD or PCD approval shall expire with respect to portions of the development for which construction has not commenced if there are no active building permits for principal buildings in effect for the development for a consecutive period in excess of one (1) year.

(Ord. No. 2015-09, § 2(Exh. A), 9-21-2015; Ord. No. 2019-007A, § 2(Exh. A), 9-25-2019)

Sec. 10-4100. - Maintenance obligations.

The applicant for a PRD or PCD shall provide for the landscaping and continued maintenance of all common areas and abutting swales and medians in abutting rights-of-way through restrictive covenants which burden the land subject to the PRD or PCD and/or such perpetual maintenance agreements as determined necessary by the city. Notwithstanding any failure of the city to require such agreements, the applicant and its successors and assigns, including a homeowners or property owners association governing the property subject to the PRD or PCD, shall be deemed to be responsible for maintenance of all common areas and abutting swales and medians and all approved landscaping in good condition.

(Ord. No. 2015-09, § 2(Exh. A), 9-21-2015; Ord. No. 2019-007A, § 2(Exh. A), 9-25-2019)

DIVISION 45. - B-1, B-2, B-3, BCB-3, AND OP COMMERCIAL DISTRICTS

Sec. 10-4500. - Purpose of districts.

A. *B-1 district.* The B-1 neighborhood business district is intended primarily to meet the local neighborhood shopping, retail and personal service needs of a limited surrounding residential area. Retail stores permitted herein are intended to include primarily specialized and convenience goods, and personal services uses allowed herein are intended to meet the daily needs of residents of the city's residential communities.
B. *B-2 district.* The B-2 community business district is intended primarily to meet the shopping and personal service needs of several neighborhoods or a substantial territory. B-2 districts may be located along traffic arteries or in concentrated shopping centers.
C. *B-3, BCB-3 districts.* The B-3 general business district and Broward County B-3 (BCB-3) general business district are intended to apply to arterial streets and trafficways where business establishments primarily not of a neighborhood or community service type may properly locate to serve large sections of the city and metropolitan area. Such businesses generally require considerable ground area, do not cater directly to pedestrians and need a conspicuous and accessible location convenient for motorists. Property zoned Broward County B-3 retains its pre-annexation zoning designation only with regard to specific rights as set forth in a settlement agreement recorded in Office of Records Book 29272, Pages 1650 through 1699 of the Broward County, Florida Public Records, and are otherwise subject to the provisions of this chapter.
D. *OP district.* The OP office park district is intended to provide areas within the city for the exclusive development of professional offices, office parks and

financial centers.

(Ord. No. 2015-09, § 2(Exh. A), 9-21-2015)

Sec. 10-4505. - Uses permitted.

No building or structure or any part thereof shall be erected, altered or used or land or water used, in whole or in part, for other than one (1) or more of those specified as permitted, special exception or accessory within a particular zoning district in table 10-4505.1, permitted uses and master business. Permitted uses within the BCB-3 District are the same as the B-3 permitted uses in table 10-4505.1, as well as the Broward County Zoning Code B-3 uses specifically authorized in a settlement agreement recorded in Office of Records Book 29272, Pages 1681 through 1699 of the Broward County, Florida Public Records.

A. Where the letter "P" appears on the same line as a listed use, said use shall be permitted in the district as indicated by the column heading in which the letter "P" appears.

B. Where the symbol "≠" appears on the same line as a listed use, said use shall be prohibited in the district as indicated by the column heading in which the symbol "≠" appears.

C. Where the letter "A" appears on the same line as a listed use, the listed use is permitted only as an accessory use to a primary permitted use.

D. Where the letters "SE" appear on the same line as a listed use, the use shall be permitted only by special exception approval in the district as indicated by the column heading in which the letters "SE" appears. Such approval shall only be granted after the applicant has complied with the requirements for special exception uses pursuant to article 60, special exception uses.

E. Unlisted uses.

1. The planning and zoning director may authorize as a permitted use, a use that is unlisted in table 10-4505.1, but which is substantially similar in character, impact and compatibility to a listed permitted use within the applicable zoning district.
2. The planning and zoning director may authorize the processing of a special exception use application for a use that is unlisted in table 10-4505.1, but which is substantially similar in character, impact and compatibility to a listed special exception use within the applicable zoning district.
3. If a use is not listed as a permitted or special exception use in table 10-4505.1, and is not determined by the planning and zoning director to be an accessory use or a use that is substantially similar to a listed use pursuant to subsections 1. and 2., it shall be deemed a prohibited use, except as provided in paragraph 4., below.
4. Any use permitted by the city land use plan within the commercial or office park land use categories not listed in table 10-4505.1 (or the supplemental regulations) as permitted, special exception or prohibited, and which the planning and zoning director determines is not substantially similar to a listed permitted or special exception use in any zoning district shall be considered a special exception use within the B-3 zoning district, in accordance with article 60 of this chapter.

Table 10-4505.1, PERMITTED USES AND MASTER BUSINESS LIST

P = Permitted Use
SE = Special Exception, subject to procedures of Article 60, Special Exception Uses
A = Permitted only as an accessory use to a primary permitted use
≠ = Use is Prohibited

	B-1	B-2	B-3, BCB-3	OP
Business Uses				
Air-conditioning equipment, retail, repairs	≠	≠	SE	≠
Alcoholic beverages, retail sales (package stores ONLY)	≠	SE	SE	≠
Alcoholic beverages, retail sales	≠	≠	≠	≠
Ambulance service, commercial	SE	SE	SE	≠
Amusements/recreation enterprises (outdoor and indoor)	≠	SE	SE	≠

Animal clinics (shall be conducted within a completely enclosed, soundproof and air-conditioned building)	≠	SE	SE	≠
Animal grooming (shall be conducted within a completely enclosed, soundproof and air-conditioned building)	P	P	P	≠
Art galleries	P	P	P	≠
Art schools	P	P	P	≠
Artists' studios	P	P	P	≠
Antique shops	P	P	P	≠
Auction houses	≠	P	P	≠
Automotive repair and service	≠	≠	SE	≠
Automobile sales, new/used	≠	≠	SE	≠
Automobile service station (subject to section 15-4510)	≠	SE	SE	≠
Automobile tires, new, retail	≠	SE	SE	≠
Banks (without drive-in facilities)	P	P	P	P
Banks (with drive-through facilities)	≠	SE	SE	SE
Bingo parlors	≠	≠	SE	≠
Billiard rooms, poolrooms	≠	SE	SE	≠
Boat and marine motor sales and service	≠	≠	SE	≠
Boat rental	≠	≠	P	≠
Bowling alleys	≠	≠	SE	≠
Building supplies, retail (from building only; must be completely enclosed in a soundproof, air-conditioned building)	≠	≠	P	≠
Campers, mobile homes; storage and sales	≠	-	SE [1]	≠
Car wash	≠	SE [1]	SE [1]	≠
Carpets or rug cleaning establishment	≠	-	SE [1]	≠
Catering hall		P	P	≠
Catering services establishment (off-site)	P	P	P	≠
Charter boats	≠	≠	P	≠

Check cashing store	≠	≠	≠	≠
Church, synagogue, temple	(see "Place of Worship" below)			
Cigar bar	≠	SE	SE	≠
Clubs, civic, private, noncommercial	≠	P	P	≠
Conservatories (art and music) soundproofed for music	P	P	P	≠
Consignment store under 4,500 s.f., as defined in section 5-3530	P	P	P	≠
Consignment store over 4,500 s.f., as defined in section 5-3530	SE	SE	SE	SE
Convenience store	SE	SE	SE	≠
Construction and sales trailers	(see "temporary structures and uses" below)			
Costumers, rental	SE	P	P	≠
Dance academies (must be completely enclosed in a soundproof, air-conditioned building)	≠	P	P	≠
Day care centers	SE	SE	SE	SE
Dental clinic	P	P	P	P
Dental lab	P	P	P	≠
Department store	SE	P	P	≠
Dry cleaning and pressing, pickup and delivery of garments only, not including dry cleaning plants (subject to section 15-310)	P	P	P	P
Dry cleaning and pressing, pickup and delivery of garments only, with drive-through facility not including dry cleaning plants (subject to section 15-310)	SE	SE	SE	SE
Dry-cleaning plants, traditional (subject to section 15-310)	≠	≠	P	≠
Dry-cleaning plants, environmentally friendly (subject to section 15-310)	≠	3, SE	P	≠
Educational or vocational institutions	≠	SE	SE	≠
Electrical, general contractors, plumbing and air conditioning shops (shall be conducted within a completely enclosed, soundproof building)	≠	≠	P	≠
Employment agencies	≠	P	P	P
Essential services	P	P	P	P
Fertilizer stores, retail	≠	P	P	≠
Funeral homes (exclusive of crematories)	≠	SE	SE	≠

Golf courses (miniature)	≠		SE	≠
Guns, retail	≠	SE	SE	≠
Gym, health club	≠	SE	SE	≠
Hotels (minimum floor area of each rental sleeping room shall be 200 square feet)	≠	SE	SE	≠
Laundromat, self-service	≠	≠	≠	≠
Loan agencies (other than pawnbrokers or payday loan businesses)	SE	P	P	P
Manufacturing, light; fabrication and assembly of materials consistent with the commercial land use category of the city land use plan	≠	≠	SE	≠
Massage therapy establishment, licensed (subject to section 15-410)	SE	SE	SE	SE
Mechanical repair, enclosed (shall be conducted within a completely enclosed, soundproof building)	≠	P	P	≠
Medical marijuana dispensaries	≠	≠	≠	≠
Medical office (excluding "pain management clinic" and dispensing of controlled substances identified in Schedule II, III, or IV in F.S. § 893.03, 893.035, or 893.0355)	P	P	P	P
Motorhome and camping trailer sales, service, repair, new and used	≠	≠	SE	≠
Movie theater; auditorium; concert hall	≠	P	P	≠
Museum	≠	P	P	≠
Nicotine vaporizer, sale of, including vending machines	≠	≠	≠	≠
Office buildings	P	P	P	P
Pain management clinic and any other medical office uses that are not associated with hospitals, which dispense controlled substances identified in Schedule II, III, or IV in F.S. § 893.03, 893.035, or 893.0355 subject to section 15-6510	≠	≠	SE	≠
Parking, commercial (enclosed or outdoor)	≠	≠	P	≠
Pawnshops	≠	≠	SE	≠
Personal service establishment in OP, also subject to director's finding that the use will support the district intent	P	P	P	A
Pet boarding	≠	≠	SE	≠
Pet shops	SE	P	P	≠
Pharmacy	SE	SE	SE	SE
Place of worship	≠	P	P	≠

Plant nursery and sales (plants and related materials shall be within opaquely screened area only)	≠	A	A	≠
Pool equipment and chemicals - no manufacturing (shall be completely enclosed in a soundproof, air-conditioned building)	≠	P	P	≠
Professional offices	P	P	P	P
Public and private utilities	SE	SE	SE	SE
Radio, television studios	≠	P	P	≠
Repair shops, electronics (shall be completely enclosed in a soundproof, air-conditioned building)	P	P	P	≠
Restaurants, full service	P	P	P	≠
Restaurant, fast food (without drive-in facilities)	SE	SE	SE	≠
Restaurant, fast food (with drive-in facilities)	≠	SE	SE	≠
Retail establishment, general, with floor area < 25,000 s.f. in OP, also subject to director's finding that the use will support the district intent	P	P	P	A
Retail establishment, general, with floor area 25,000 s.f. - 50,000 s.f. (subject to section 15-210)	≠	SE	SE	≠
Retail establishment, general, with floor area exceeding 50,000 s.f. (Subject to section 15-210)	≠	≠	≠	≠
Schools, driving	≠	P	P	≠
Schools, modeling	≠	SE	SE	≠
Schools, public	≠	≠	≠	≠
Schools, trade and vocational	≠	SE	SE	≠
Shooting range (shall be conducted within a completely enclosed, soundproof building)	≠	≠	SE	≠
Sidewalk café without alcoholic beverage service (subject to article 15, division 5)	A	A	A	A
Sidewalk café with alcoholic beverage service (subject to article 15, division 5)	≠	A	A	A
Skating rinks, skateboard parks, water slide and other outdoor amusements	≠	SE	SE	≠
Taxi service establishment	≠	≠	SE	≠
Tutoring services	P	P	P	≠
All uses permitted in an OS District	P	P	P	P

Residential Uses				
Apartments		P	P	≠
Assisted living facilities (subject to section 15-2010)	≠	SE	SE	≠
Temporary Structures and Uses				
Construction and sales trailers (subject to article 15, division 10)	A	A	A	A
Portable/temporary storage units (subject to article 15, division 15, section 15-1510)	≠	≠	≠	≠
Special events (including seasonal)	A	A	A	A
	Special approval and permit is required, pursuant to article 65, special events permit procedure			

C. Operation of any business after 11:00 p.m. and before 7:00 a.m. is prohibited unless the city commission first grants a special exception permit to allow a business to operate later. For all businesses, any such special exception permit shall be specific to the owner and operator of the business that are the subject of the permit application, and not transferable.

(Ord. No. 2015-09, § 2(Exh. A), 9-21-2015; Ord. No. 2016-09, § 2, 9-21-2016; Ord. No. 2019-001B, § 2, 9-25-2019)

Sec. 10-4510. - Reserved.

Editor's note— Sec. 2 of Ord. No. 2019-001B , adopted Sept. 25, 2019, deleted § 10-4510, which pertained to supplemental regulations to master business list, and derived from Ord. No. 2015-09, adopted Sept. 21, 2015; and Ord. No. 2016-09, adopted Sept. 21, 2016.

Sec. 10-4515. - Generally applicable limitations on uses.

A. *Outdoor activities restricted.* All activities of nonresidential permitted uses, including, but not limited to, sale, display preparation and storage, shall be conducted entirely within an enclosed building except for automobile parking lots, loading zones, drive-through windows, garden centers, accessory outdoor dining, outdoor playgrounds or recreation, service stations, and any principal or accessory use permitted in this chapter that the planning and zoning director determines inherently requires a portion of its activity to take place outdoors.

B. *Secondhand merchandise.* No secondhand or used merchandise shall be offered for sale, displayed or stored except as specifically permitted herein.

C. *[Hours of operation.]* Operation of any business after 11:00 p.m. and before 7:00 a.m. is prohibited unless the city commission first grants a special exception permit to allow a business to operate later. For all businesses, any such special exception permit shall be specific to the owner and operator of the business that are the subject of the permit application, and not transferable.

(Ord. No. 2015-09, § 2(Exh. A), 9-21-2015; Ord. No. 2016-13, § 2, 1-4-2017; Ord. No. 2019-001B, § 2, 9-25-2019)

Sec. 10-4520. - Site development standards and dimensional requirements for B-1, B-2, B-3, BCB-3 and OP zoning districts.

Table 10-4520.1 provides the dimensional requirements regarding lot width and depth, lot coverage, building setbacks and building height for the B-1, B-2, B-3, BCB-3 and OP zoning districts.

Table 10-4520.1, Dimensional Requirements for B-1, B-2, B-3, BCB-3 and OP Zoning Districts					
	B-1	B-2	B-3	BCB-3	OP
Minimum Lot Dimensions					
Lot width (min.) [1, 2]	200 ft.	200 ft.	200 ft.	200 ft.	200 ft.
Lot depth (min.) [1, 2]	200 ft.	200 ft.	200 ft.	200 ft.	200 ft.

Building Height						
Maximum height		2 stories or 30 ft.	3 stories or 45 ft.	4 stories or 50 ft.	4 stories or 50 ft.	4 stories or 50 ft.
Minimum Lot Coverage						
One-story building [2]		35%	35%	35%	35%	35%
Two-story building [2]		35%	35%	35%	35%	35%
Three-story building [2]		-	35%	35%	35%	35%
Four-story building [2]		-	-	33%	33%	33%
Pervious open space [2]		35%	30%	30%	30%	30%
Minimum floor area [2, 3]		See section 10-4510, supplemental regulations and table 10-4505.1, permitted uses and master business list.				
Minimum Setbacks [2, 4, 5]						
A	Adjacent to streets	Adjacent to any trafficway as depicted on the Broward County Trafficway Plan as amended from time to time: 100 feet.				
		Adjacent to any non-trafficway street: 40 feet.				
B	Adjacent to any residential use or district	60 feet, plus a distance equivalent to 1½ times that portion of the building height above 20 feet in height				
C	Rear yard	25 feet for a single-story structure up to 20 feet in height plus 5 feet for each additional 10 feet of height or fraction thereof.				
D	Side yard	15 feet for a single story structure up to 20 feet in height plus 5 feet for each additional 10 feet of building or structure height or fraction thereof when abutting a residential use or district				
E	All yards: Accessory structures	Setbacks for accessory structures, see article 15, division 55, accessory uses and structures				

Footnotes:

1. Where a lot of record existed at the effective date of September 20, 1989 (Ord. 89-19), which has less than the required width or depth, said lot may be developed as otherwise provided in this chapter.
2. Subject to section 10-4545, unified control, and section 10-4555, outparcels.
3. Where permitted, residential uses shall not exceed fifty (50) percent of the gross floor area of any structure.

(Ord. No. 2019-001B, § 2, 9-25-2019)

Editor's note— Sec. 2 of Ord. No. 2019-001B, adopted Sept. 25, 2019, amended § 10-4520 in its entirety to read as herein set out. Former § 10-4520, pertained to height, and derived from Ord. No. 2015-09, adopted Sept. 21, 2015.

Sec. 10-4525. - Reserved.

Editor's note— Sec. 2 of Ord. No. 2019-001B , adopted Sept. 25, 2019, deleted § 10-4525, which pertained to lot dimensions, and derived from Ord. No. 2015-09, adopted Sept. 21, 2015.

Sec. 10-4530. - Reserved.

Editor's note— Sec. 2 of Ord. No. 2019-001B , adopted Sept. 25, 2019, deleted § 10-4530, which pertained to setbacks, and derived from Ord. No. 2015-09, adopted Sept. 21, 2015.

Sec. 10-4535. - Reserved.

Editor's note— Sec. 2 of Ord. No. 2019-001B , adopted Sept. 25, 2019, deleted § 10-4535, which pertained to lot coverage, and derived from Ord. No. 2015-09, adopted Sept. 21, 2015.

Sec. 10-4540. - Reserved.

Editor's note— Sec. 2 of Ord. No. 2019-001B , adopted Sept. 25, 2019, deleted § 10-4540, which pertained to open space, and derived from Ord. No. 2015-09, adopted Sept. 21, 2015.

Sec. 10-4545. - Unified control.

All developments which are developed and maintained under unified control and which are managed by a property owners' association responsible for the management and maintenance of the entire development, and the form of the property owners' association approved by the city commission, shall be treated as one (1) development lot for the purpose of applying the requirements of this article regardless of whether portions of the development are owned by persons other than the original owner/developer.

(Ord. No. 2015-09, § 2(Exh. A), 9-21-2015)

Sec. 10-4550. - Strip shopping centers prohibited.

Commercial development shall not be designed or developed as strip shopping centers, as defined in section 5-3530, terms defined, and shall specifically be designed to avoid the appearance, function, and layout of a strip shopping center. In all commercial developments, designs which provide only a straight row of stores/restaurants/office or other establishments and do not create or contain design elements distinguishing the development from a strip center shall be prohibited. Design elements creating an atmosphere which encourages pedestrian usage shall be required. Retail stores/restaurants/office and other establishments shall be designed not in straight rows, but in other configurations such as clusters around plazas or face to face configurations to facilitate easy pedestrian usage and interaction between uses and a sense of a village atmosphere. The use of plazas integrating the various stores/restaurants/office or other establishments shall be an essential element to create the village atmosphere. Big box retail establishments are determined to be inconsistent with the goals of this section and are restricted in accordance with the regulations of this article.

(Ord. No. 2015-09, § 2(Exh. A), 9-21-2015)

Sec. 10-4555. - Outparcels.

Outparcels shall be designed to be compatible with the parent tract through cohesive landscape and architectural design. The city's landscape architect shall have the discretion to reduce the perimeter landscape requirements of section 95-1515 along common lot lines shared between the parent tract and outparcel based upon site specific context and design.

(Ord. No. 2015-09, § 2(Exh. A), 9-21-2015; Ord. No. 2019-001A, § 5(Exh. D), 9-25-2019)

DIVISION 50. - I-1 INDUSTRIAL DISTRICT

Sec. 10-5010. - Purpose.

The I-1 light industrial district is intended primarily for the manufacture, processing and assembly of articles and products not involving the use of any hazardous or noxious materials, processes or machinery likely to cause undesirable effects upon nearby or adjacent residential or business property.

(Ord. No. 2015-09, § 2(Exh. A), 9-21-2015)

Sec. 10-5020. - Permitted uses.

A. No building or land shall be used, and no building shall be erected, constructed, reconstructed or structurally altered which is designed, arranged or intended to be occupied or used for any purpose other than for one (1) or more of the following:

1. The manufacture or processing of such refined consumer products as bakery goods, candies, cosmetics, dairy products, drugs, pharmaceuticals and food proc otherwise prohibited.
2. The manufacturing, compounding, assembling or treatment of articles or merchandise from the following previously prepared materials: Bone, cellophane, canvas, cloth, cork, feathers, fur, felt, fiber, glass, horn, hair, leather, paper, plastics, precious and semiprecious metals or stones, shells, textiles, tobacco, wood (except planing mills) and yarn.
3. The manufacture of pottery and figurines or other ceramic products using only previously pulverized clay and kiln-fired only by electricity or gas.
4. Manufacture and assembly of metal products, including electroplating.
5. Manufacture of musical instruments or toys, novelties, notions, and rubber and metal stamps.
6. Machine shops.
7. Assembly of electrical appliances, electronic instruments and devices, radio, television and photographs, including the manufacturing of small parts, such as coils, condensers, transformers, crystal holders and the like.
8. Agricultural uses until converted to an urban use.
9. Ice manufacturing and distributing.
10. Boat manufacturing; boat and marine motor sales and service.
11. Laundry and dry-cleaning plants.
12. Storage warehouses.
13. Wholesale establishments.
14. Crematory.
15. Restaurants accessory to the primary industrial use (located within a primary industrial building with external signage for restaurant).
16. Building contractor offices and supplies.
17. Home appliance repair; printing shop; locksmith; sharpening and grinding shop; radio, television and electronics repair; newspaper-printing plant.
18. Taxi service establishment.
19. New and used automobile, truck and trailer display, sales and repair; repair and service garage, including bumping and painting, auto laundry.
20. Hatchery, fish or fowl.
21. Sign painting, glass and mirror shop, awning and canvas shop, furniture repair shop.
22. Milk-distributing stations.
23. Diaper and linen services.
24. Tire and battery store, retail plumbing and electrical fixtures, lawnmower rental, sales and service; boat and marine motor sales and service, upholstery shop.
25. Pumps and wells, retail and wholesale.
26. Taxidermist, research and testing laboratory, pest-control agency.
27. Machinery sales, storage and repair.
28. Wreckers, building and automobile.
29. Accessory uses and structures.
30. Major office employment centers. Major office employment center means an area designated on the comprehensive plan's future land use map as a location for employment and economic development.
31. All uses permitted in an OS open space district.
32. Essential services.

(Ord. No. 2015-09, § 2(Exh. A), 9-21-2015)

Sec. 10-5030. - Special exception uses.

The following uses may be permitted in an I-1 district at the discretion of the city commission in accordance with the requirements of article 60, special exception uses:

A. Parks and open spaces.
B. Educational or vocational institutions.
C. Libraries.
D. Government administration, services and maintenance facilities.
E. Police and fire-protection facilities.

F. Public and private utilities.

G. Day care centers.

H. Office and retail uses subject to the restrictions of the comprehensive plan (permitted uses in industrial areas).

I. Medical marijuana dispensaries, unless prohibited under federal law.

J. All uses permitted in a CR district.

K. All uses permitted in a U district.

L. All uses involving exterior storage of goods or products, except storage of motor vehicles used in the operation of the primary authorized use of the premises.

M. All uses not specifically permitted in section 10-5020, permitted uses, which are determined by the planning and zoning director to be consistent with the industrial land use category of the city land use plan.

N. Any business that operates after 9:00 p.m. Operation of any business after 9:00 p.m. is prohibited unless the city commission first grants a special exception permit to allow a business to operate later. Any such special exception permit shall be specific to the owner and operator of the business that are the subject of the permit application, and not transferable.

(Ord. No. 2015-09, § 2(Exh. A), 9-21-2015; Ord. No. 2016-21, § 2, 1-4-2017)

Sec. 10-5040. - Development standards.

A. *Utility transmission lines, etc.* All utility transmission lines, conduits, conveyances or other devices or apparatus for the transmission of utility services and products, including all franchised utility services and products, shall be constructed and installed beneath the surface of the ground with the exception of a main feeder line.

B. *Off-street loading.* In no instance shall off-street loading facilities front onto a public street and in no event shall these facilities front or face onto a public street or property which is zoned or designated for residential use.

C. *Lot coverage.* Lot coverage shall not exceed forty-five (45) percent.

D. *Open space.* Each lot to be developed shall contain a minimum of thirty (30) percent pervious open space.

E. *Building height.* No building or structure shall exceed fifty (50) feet in height.

F. *Distance between buildings.* Where two (2) or more separate buildings are erected or placed on the same plot, there shall be a minimum distance of twenty-five (25) feet or one-half (½) the height of the tallest building, whichever is greater, between buildings on the same plot.

G. *Setbacks.* Minimum building and structure setbacks shall be provided as follows:

1. A minimum setback of one hundred (100) feet is required from the street line of all trafficways other than the Sawgrass Expressway, and from property zoned, used or designated on the land use plan map for residential use.
2. Twenty-five (25) feet from a street line other than a trafficway, and from a lot that is zoned or designated on the land use plan for nonresidential use.
3. The setback requirements of this subsection are subject to yard encroachments authorized under section 20-30, yard encroachments.

H. *Minimum lot size.* The minimum lot size in an I-1 district shall be one (1) acre.

I. *Machinery.* All machinery other than motor vehicles shall be operated within a fully enclosed building.

(Ord. No. 2015-09, § 2(Exh. A), 9-21-2015)

Sec. 10-5050. - Unified control.

All developments which are developed and maintained under unified control and which are managed by a property owner's association responsible for the management and maintenance of the entire development, and the form of the property owner's association is approved by the city commission, shall be treated as one (1) development lot for the purpose of applying the requirements of this article regardless of whether portions of the development are owned by persons other than the original owner/developer.

(Ord. No. 2015-09, § 2(Exh. A), 9-21-2015)

DIVISION 55. - CF COMMUNITY FACILITIES DISTRICT

Sec. 10-5510. - Purpose of district.

The CF community facilities district is intended for schools, public and private institutions, and other facilities which generally benefit the community and which have unusual or unique locational requirements.

(Ord. No. 2015-09, § 2(Exh. A), 9-21-2015)

Sec. 10-5520. - Uses permitted.

No building or structure or part thereof shall be erected, altered or used or land or water used, in whole or in part, for other than one (1) or more of the following specified uses:

A. Parks and open spaces.
B. Educational or vocational institutions.
C. Places of worship.
D. Libraries.
E. Government administration.
F. Police and fire-protection facilities.
G. Public and private utilities.
H. Day care centers.
I. Essential services.
J. The following uses if first approved as a special exception use (see article 60, special exception uses):
    1. Assisted living facilities.
    2. Cemeteries and mausoleums.
    3. Hospitals or clinics.
    4. Services and maintenance facilities.
K. Accessory uses, including portable/temporary storage units subject to section 15-1510, portable/temporary storage units.

(Ord. No. 2015-09, § 2(Exh. A), 9-21-2015)

Sec. 10-5530. - Height.

No building or structure shall be erected or altered to a height exceeding forty-five (45) feet unless the city commission grants a special exception for total height not to exceed fifty-five (55) feet.

(Ord. No. 2015-09, § 2(Exh. A), 9-21-2015)

Sec. 10-5540. - Open space.

Each lot shall contain a minimum of thirty-five (35) percent pervious open space.

(Ord. No. 2015-09, § 2(Exh. A), 9-21-2015)

Sec. 10-5550. - Size of plot.

Every lot shall not be less than one hundred (100) feet in width and twenty thousand (20,000) square feet in area.

(Ord. No. 2015-09, § 2(Exh. A), 9-21-2015)

Sec. 10-5560. - Setbacks.

Every lot upon which a building or structure is erected in a CF district shall have minimum setbacks in as follows:

A. Adjacent to any trafficway, a yard of at least seventy-five (75) feet in width shall be provided.
B. Adjacent to any street, excluding trafficways, a yard of at least twenty-five (25) feet in width shall be provided.
C. A rear yard of at least twenty (20) feet in width shall be provided when not abutting a trafficway or other street.
D. A side yard of at least ten (10) feet in width shall be provided when not abutting a trafficway or other street. Any building in excess of fifteen (15) feet in height, as measured from the first-floor finished grade of the building to the highest point of the building, shall provide at least an additional two (2) feet of side yard for every ten (10) feet or fraction thereof in additional height.
E. Section 20-30, yard encroachments, provides for certain encroachments into the yards required in this section.

(Ord. No. 2015-09, § 2(Exh. A), 9-21-2015)

DIVISION 60. - OS RECREATION/OPEN SPACE DISTRICT

Sec. 10-6010. - Purpose of district.

The OS recreation/open space district is intended for outdoor sports and recreational activities in which the participants are actively engaged, but which may also provide entertainment for spectators, but which activities are not of a commercial, profit-making nature. The activities for which the OS district is provided 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 functional characteristics of an OS district may require its location within or in close relationship to residential areas, public recreational areas or scenic areas. Because of the nature of uses involved and the variety of arrangements of uses and facilities on the site plan of development, broad general regulations for lot size, yards, setbacks and height must be adequate for any location at which an OS district may be established.

(Ord. No. 2015-09, § 2(Exh. A), 9-21-2015)

Sec. 10-6020. - Uses permitted.

No building or structure or part thereof shall be erected, altered or used or land or water used, in whole or in part, for other than one (1) or more of the following specified uses:

A. Active and passive outdoor recreation facilities.
B. Recreation, civic or cultural buildings accessory to a primary recreation use.
C. Golf courses integral to a development and intended to be retained as permanent open space.
D. Accessory uses and structures.
E. Essential services.

(Ord. No. 2015-09, § 2(Exh. A), 9-21-2015)

Sec. 10-6030. - Uses prohibited.

The permissible uses enumerated in section 10-6020, uses permitted, shall not be construed to include, either, as a principal or accessory use, any business or commercial use not permitted as a principal use except when meeting requirements of an accessory use.

(Ord. No. 2015-09, § 2(Exh. A), 9-21-2015)

Sec. 10-6040. - Height.

No building or structure or part thereof shall be erected or altered to a height exceeding forty-five (45) feet unless the city commission determines that additional height is compatible with the adjacent area, as defined in section 20-190, compatibility and consistency.

(Ord. No. 2015-09, § 2(Exh. A), 9-21-2015)

Sec. 10-6050. - Lot size.

Every lot shall be not less than one hundred (100) feet in width and ten thousand (10,000) square feet in area.

(Ord. No. 2015-09, § 2(Exh. A), 9-21-2015)

Sec. 10-6060. - Open space.

Each lot shall contain a minimum of thirty-five (35) percent pervious open space.

(Ord. No. 2015-09, § 2(Exh. A), 9-21-2015)

Sec. 10-6070. - Setbacks.

A. No structure shall be located within fifty (50) feet of any residentially zoned property, nor within seventy-five (75) feet of the right-of-way line of a trafficway, nor within twenty-five (25) feet of any other street line, except as provided in subsection C.
B. No building or roofed portion of any structure shall be located within twenty-five (25) feet of any other lot line.
C. No required open space, yard or setback area shall be used or developed for any purpose other than for landscaping, fences or walls, lighting, and for the minimum amount of walkways and/or driveways and parking areas reasonably necessary to serve the permitted OS district uses. Section 20-30, yard encroachments, authorizes certain additional encroachments into the yards required in this section.

(Ord. No. 2015-09, § 2(Exh. A), 9-21-2015)

DIVISION 65. - U UTILITIES DISTRICT

Sec. 10-6510. - Purpose of district.

The U utilities district is intended to implement the utilities classification of the city land use element by providing areas for the location and expansion of water, wastewater, communication and power facilities and solid waste disposal sites.

(Ord. No. 2015-09, § 2(Exh. A), 9-21-2015)

Sec. 10-6520. - Uses permitted.

No building or structure or part thereof shall be erected, altered or used or land or water used, in whole or in part, for other than one (1) or more of the following specified uses:

A. Municipal water and wastewater treatment plants.
B. Pumping stations.
C. Substations and major transmission lines.
D. Solid waste transfer sites.
E. Radio, television, telephone or other communication transmitting, receiving or relay station, structure, tower or dish antenna.
F. Public or private utility maintenance facilities.
G. Accessory uses and structures.
H. Parking for adjacent uses.
I. Any use permitted in an OS district.

(Ord. No. 2015-09, § 2(Exh. A), 9-21-2015)

Sec. 10-6530. - Height.

No building or structure or part thereof shall be erected or altered to a height exceeding fifty (50) feet, except communication towers, which are subject to the height limitation in article 150, telecommunication towers and antennas.

(Ord. No. 2015-09, § 2(Exh. A), 9-21-2015)

Sec. 10-6540. - Lot size.

There is no minimum lot size requirement.

(Ord. No. 2015-09, § 2(Exh. A), 9-21-2015)

Sec. 10-6550. - Lot coverage.

The lot coverage shall not exceed forty (40) percent.

(Ord. No. 2015-09, § 2(Exh. A), 9-21-2015)

Sec. 10-6560. - Setbacks.

Every lot upon which a building or structure is erected in a U district shall have minimum setbacks in accordance with the following:

A. Adjacent to any trafficway, a setback of at least seventy-five (75) feet shall be provided.
B. Adjacent to any public or private street other than a trafficway or from any property line, a setback of at least twenty-five (25) feet shall be required.
C. Notwithstanding anything to the contrary contained herein, when abutting residentially zoned or designated property, the setback from the abutting property line shall be increased by at least one (1) foot for every two (2) feet of building or structure height over twenty-five (25) feet.
D. Section 20-30, yard encroachments, authorizes certain encroachments into the yards required in this section.

(Ord. No. 2015-09, § 2(Exh. A), 9-21-2015)

Sec. 10-6570. - Special landscaping and screening requirement.

In addition to the landscaping and screening requirements contained elsewhere in this chapter, all utility uses shall provide landscaping on the perimeter of the property sufficient to fully screen a structure of at least twenty-five (25) feet in height from an adjacent lot with residential zoning or land use designation, or from a public or private street.

(Ord. No. 2015-09, § 2(Exh. A), 9-21-2015)

DIVISION 70. - CR COMMERCIAL RECREATION DISTRICT

Sec. 10-7010. - Purpose of district.

The CR commercial recreation district is intended for outdoor and indoor recreational facilities of a commercial, profit-making nature. The activities for which the CR district is provided are primarily recreational in nature, either passive or active, but may include other activities which support and are ancillary to the primary recreation use.

(Ord. No. 2015-09, § 2(Exh. A), 9-21-2015)

Sec. 10-7020. - Uses permitted.

No building or structure or part thereof shall be erected, altered or used or land or water used, in whole or in part, for other than one (1) or more of the following uses:

A. Outdoor and indoor recreation facilities, including, but not limited to, golf courses, tennis clubs, sports arenas and other outdoor and indoor recreational uses consistent with the city's land use plan. Operation of any business after 11:00 p.m. uses is prohibited unless the city commission first grants a special exception permit pursuant to article 60 to allow a business to operate later. Any such special exception permit shall be specific to the owner and operator of the business that are the subject of the permit application, and not transferable.
B. Accessory uses and structures.
C. Hotels ancillary to a primary recreation use.
D. All uses permitted in an OS district.

(Ord. No. 2015-09, § 2(Exh. A), 9-21-2015)

Sec. 10-7030. - Height.

No building or structure or part thereof shall be erected or altered to a height exceeding fifty (50) feet, unless the city commission grants a special exception pursuant to article 60 to allow a total height not to exceed seventy-five (75) feet.

(Ord. No. 2015-09, § 2(Exh. A), 9-21-2015)

Sec. 10-7040. - Lot size.

Every lot shall not be less than one hundred (100) feet in width and ten thousand (10,000) square feet in area.

(Ord. No. 2015-09, § 2(Exh. A), 9-21-2015)

Sec. 10-7050. - Open space.

Each lot shall contain a minimum of thirty-five (35) percent pervious open space.

(Ord. No. 2015-09, § 2(Exh. A), 9-21-2015)

Sec. 10-7060. - Setbacks.

The following are minimum setback requirements:

A. No parking area shall be located within twenty-five (25) feet of any residentially zoned property nor within twenty-five (25) feet of any street line.
B. No building or structure, except as provided in subsection D., shall be located within twenty-five (25) feet of any residentially zoned property, seventy-five (75) feet of the street line of a trafficway, or within twenty-five (25) feet of any other street.
C. No building or roofed portion of any structure shall be located within twenty-five (25) feet of any lot line.
D. No required open space, yard or setback area shall be used or developed for any purpose other than for landscaping, fences or walls, and parking areas subject to the restriction of subsection (A) above, and for a minimum amount of walkways and/or driveways reasonably necessary to serve the permitted CR district uses. Section 20-30, yard encroachments, authorizes certain additional encroachments into the yards required in this section.

(Ord. No. 2015-09, § 2(Exh. A), 9-21-2015)

DIVISION 75. - CONSERVATION DISTRICT

Sec. 10-7510. - Purpose of district.

The conservation district is intended to protect natural functions of environmentally sensitive land and other open space which the city determines is appropriate for protection from development. No construction is permitted in these areas except for minimal structures and improvements required to provide safe access and essential support functions for permitted uses.

(Ord. No. 2015-09, § 2(Exh. A), 9-21-2015)

Sec. 10-7520. - Uses permitted.

The uses permitted within the conservation district include:

A. Properties dedicated to wildlife management.
B. Wetland and upland mitigation areas and banks.
C. Natural resources based parks such as wildlife sanctuaries, feeding stations, nature centers, trails, outdoor research stations, walkways or aquifer recharge areas.
D. Environmental restoration/preservation.
E. Accessory uses which support the above uses.

(Ord. No. 2015-09, § 2(Exh. A), 9-21-2015)

Sec. 10-7530. - Lot coverage.

Lot coverage shall not exceed five (5) percent. Only structures which support the purposes of the district or necessary utilities shall be permitted.

(Ord. No. 2015-09, § 2(Exh. A), 9-21-2015)

Sec. 10-7540. - Floor area ratio.

The floor area ratio shall not exceed 0.05 (five (5) percent of the lot area).

(Ord. No. 2015-09, § 2(Exh. A), 9-21-2015)

Sec. 10-7550. - Height.

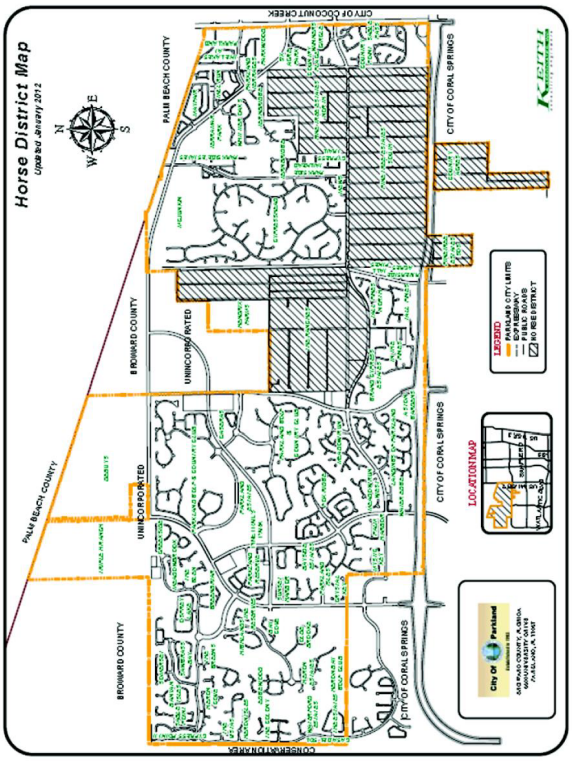
No building or structure or part thereof shall be erected or altered to a height exceeding twenty-five (25) feet.

(Ord. No. 2015-09, § 2(Exh. A), 9-21-2015)

DIVISION 80. - PARKLAND EQUESTRIAN DISTRICT

Sec. 10-8010. - Purpose of district and applicability.

For the purpose of encouraging, maintaining, and promoting ownership and equestrian activities within the city limits, in keeping with the best management practices associated with equestrian activity, which include stables, rings or other facilities, and the residential character of the district, the city commission hereby creates the Parkland Equestrian District by adoption of the following map (a full-size copy is maintained in the city clerk's office). Such equestrian district shall be amended from time to time to encourage further areas of the city to be included in the Parkland Equestrian District, and to provide specific regulations to implement the district.



(Ord. No. 2015-09, § 2(Exh. A), 9-21-2015)

Table 10-1: Permitted Use Table, Residential Districts [1, 2, 3]

Key: P - Permitted SE - Special Exception [4] en; **≠ - Prohibited** [3] **A - Permitted as an Accessory Use**

	A-1	AE-1	AE-2 [5]	BCE-1	RS-1 RS-2 RS-2.5 RS-3 RS-4 BCRS-3	RS-6	RM-5 RM-6 RM-7 RM-8 RM-9 RM-10	BCR M-5
RESIDENTIAL [1, 2, 3]								
Mobile homes (a vehicle which would bear an MH series tag if licensed)	≠	≠	≠	≠	≠	≠	≠	≠
Multifamily dwellings	≠	≠	≠	≠	≠	≠	≠	P
Multiple-family dwellings limited to four dwelling units per building	≠	≠	≠	≠	≠	≠	P	≠
Recreational vehicle or trailer for permanent residential occupation	≠	≠	≠	≠	≠	≠	≠	≠
Single-family dwellings, attached	≠	≠	≠	≠	≠	P	≠	≠
Single-family dwellings, detached	≠	≠	≠	≠	P	P	≠	P
Single-family detached dwellings, together with such outbuildings as may be required for residential or agricultural use. No outbuilding or	A	P	P	P	≠	≠	≠	≠

other accessory building shall be constructed until the commencement of the residence which it serves as an outbuilding.								
Temporary (occupancy of) recreational vehicle. Limited to two weeks per year. Building department fee and registration required	≠	P	≠	≠	≠	≠	≠	≠
Temporary structure	≠	≠	≠	≠	≠	≠	≠	≠
Two-family dwellings	≠	≠	≠	≠	≠	≠	P	P
Townhouses	≠	≠	≠	≠	≠	≠	P	P
SPECIAL RESIDENTIAL (See division 20, group homes) [1, 2, 3]								
Community residential homes, Type 1, in accordance with F.S. § 419.001.	≠	≠	≠	≠	P	P	P	P
Community residential homes, Type 2, in accordance with F.S. § 419.001.	≠	≠	≠	≠	≠	≠	P	P
ACCESSORY USES [1, 2, 3]								
Decks	A	A	A	A	A	A	A	A
Dockage space/docks and wharves (for noncommercial watercraft) [2]	A	A	A	A	A	A	A	A
Family day care home [2]	≠	A	A	A	A	A	A	A
Game courts	A	A	A	A	A	A	A	A
Guest house for single-family detached (section 15-5550, guest houses, is not applicable within the AE-1 district)	A	P	A	A	A	A	A	A
Home occupations (see article 15, division 4010) [8]	A	P [8]	P [8]	P [8]	A	A	A	A
Home occupation and office of a doctor, dentist, lawyer, architect, engineer or similar professional office [7, 8]	≠	P [7, 8]	≠	≠	≠	≠	≠	≠
Outbuildings for agricultural use	≠	≠	P	P	≠	≠	≠	
Porches and terraces [2]	A	A	A	A	A	A	A	A
Screen enclosures [2]	A	A	A	A	A	A	A	A
Swimming pools [6]	A [6]	A [6]	A [6]	A	A	A	A	A
Uses accessory to single-family attached or	A	A	A	A	A	A	A	A

detached dwellings								
Uses accessory to any of the permitted uses when located on the same lot, including a guest house for gratuitous guests and servants' quarters	≠	A	≠	≠	≠	≠	≠	≠
AGRICULTURE AND FARMING [1, 2, 3]								
Agricultural uses until converted to an urban use	≠	≠	≠	≠	P	≠	≠	≠
Animal enclosures (pursuant to section 10-580)	A		≠	≠	≠	≠	≠	≠
Beekeeping	P	P	≠	≠	≠	≠	≠	≠
Cattle or stock raising and grazing other than feed lots, and dairy farm, dude ranch, riding stable, livery stable, boarding stable	P	≠	≠	≠	≠	≠	≠	≠
Cattle or stock raising, boarding stable, raising of poultry or sheep	≠	P	≠	≠	≠	≠	≠	≠
Fish hatcheries, reptile raising	SE[4]	≠	≠	≠	≠	≠	≠	≠
Fish raising	≠	P	≠	≠	≠	≠	≠	≠
Garden: truck garden, botanical garden, floriculture, nursery, hydroponic garden.	P	P	≠	≠	≠	≠	≠	≠
Grazing		≠	≠	≠	≠	≠	≠	≠
Greenhouse, slat house, forestry	P	P	≠	≠	≠	≠	≠	≠
Grove, produce farm, horticultural farming, sod farm, crop raising	P	P	≠	≠	≠	≠	≠	≠
Obnoxious animals, such as hogs, goats, etc., (other than for personal consumption)	≠	≠	≠	≠	≠	≠	≠	≠
Poultry and bird farming	SE[4]	≠	≠	≠	≠	≠	≠	≠
CIVIC USES [1, 2, 3]								
Community buildings	≠	P	≠	≠	≠	≠	≠	≠
Dumps	≠	≠	≠	≠	≠	≠	≠	≠
Educational or vocational institutions	SE[4]	≠	≠	≠	SE [4]	≠	SE [4]	≠
Government administration, services, and maintenance facilities	SE[4]	≠	≠	≠	SE [4]	≠	SE [4]	≠
Incinerators	≠	≠	≠	≠	≠	≠	≠	≠

Libraries	SE[4]	≠	≠	≠	SE [4]	≠	SE [4]	≠
Police and fire-protection facilities	SE[4]	≠	≠	≠	SE [4]	≠	SE [4]	≠
Publicly owned or operated buildings and uses	≠	P	≠	≠	≠	≠	≠	≠
Sanitary fills	≠	≠	≠	≠	≠	≠	≠	≠
BUSINESS [1, 2, 3]								
Day care centers	SE[4]	≠	≠	≠	SE [4]	≠	SE [4]	≠
Home occupations	(See accessory uses)							
Medical marijuana dispensaries	≠	≠	≠	≠	≠	≠	≠	≠
Pain management clinics	≠	≠	≠	≠	≠	≠	≠	≠
Veterinary and veterinary clinics	SE[4]	≠	≠	≠	≠	≠	≠	≠
Wayside stands for display or sale: limited to farm products produced on the premises	P	≠	≠	≠	≠	≠	≠	≠
COMMERCIAL RECREATION USES [1, 2, 3]								
All uses permitted in CR	SE[4]	≠	≠	≠	SE [4]	≠	SE [4]	≠
PRIVATE RECREATION								
Clubhouses	≠	≠	≠	≠	A	A	A	A
Golf courses	≠	≠	≠	≠	A	A	A	A
Linear parks/open spaces	≠	≠	≠	≠	A	A	A	A
Surface parking (accessory to private recreation uses)	≠	≠	≠	≠	A	A	A	A
Tennis courts	≠	≠	≠	≠	A	A	A	A
PUBLIC PARKS AND OPEN SPACE (OS) [1, 2, 3]								
Parks and open spaces	SE[4]	P	≠		SE [4]	≠	SE [4]	
All uses permitted in OS district	P	≠	≠		P	P	≠	
MISCELLANEOUS [1, 2, 3]								
Excavation of fill material for use off site	SE[4]	≠	≠		≠	≠	≠	
Helistop landing area (see division 50, sections 15-5020 to 15-5050)	SE[4]	SE [4]	SE [4]	SE [4]	SE [4]	SE [4]	SE [4]	SE [4]

TEMPORARY STRUCTURES AND USES								
Construction and sales trailers (pursuant to article 15, division 10)	A	A	A	A	A	A	A	A
Portable/temporary storage units (pursuant to article 15, division 15, section 15-1510)	≠	≠	≠	≠	≠	≠	≠	≠
Special events (including seasonal)	Special approval and permit is required, pursuant to article 65, special events permit procedure							
UTILITIES [1, 2, 3]								
All uses permitted in a U district	SE [4]	≠	≠		SE [4]	≠	SE [4]	
Antennas, towers, masts, and satellite dishes (see section 15-3510)	P	P	P	P	P	P	P	P
Public and private utilities	SE [4]	≠	≠		SE [4]	≠	SE [4]	
Wireless (communication) facilities	See article 150, telecommunication towers and antennas							

Footnotes:

[1] Subject to article 15, detailed use regulations.

[2] Subject to article 15, division 55, accessory uses and structures.

[3] Subject to article 25, nonconforming uses and structures.

[4] Subject to article 60, special exception uses.

[5] See section 10-1570 for AE-2 district supplemental use regulations.

[6] Pools located in A-1, AE-1, and AE-2 zoning districts shall be exempt from the application of subsection 15-5530.E., but shall comply with the pool enclosure requirements of the Florida Building Code.

[7] The floor space of a single-family dwelling occupied by the operator of the home occupation shall not exceed over 25 percent.

[8] Section 15-4010, home occupations, is not applicable in the AE-1, AE-2 and BCE-1 districts.

(Ord. No. 2019-001B, § 9, 9-25-2019)

Table 10-2: Dimensional Use Regulations, Residential Districts

Zoning District	Max. Density (or density permitted by city LUP, whichever is less)	Minimum Lot Area	Minimum Lot Width	Lot Coverage	Max. Structure Height [1]	Minimum Front Yard Setback	Minimum Rear Yard Setback	Minimum Side Yard & Other Setback	Minimum Floor Area (per unit)	Citywide Special Setbacks
A-1 [2]	1 du/2 ac	2 acres	200 ft.	NTE 25%	2 stories	Seventy-	50 ft. [2]	50 ft. [2]	-	*Trafficways:*

					or 35 ft. [1]	five (75) feet from the street centerline, and at least fifty (50) feet from a property line abutting a street [2]			Notwithstanding anything to the contrary contained herein, a minimum setback of fifty (50) feet is required from the street line of any trafficway.
AE-1 [2, 4]	1 du/2.5 ac	2.5 acres	-	NTE 20%	- [1]	50 ft.	50 ft. [4]	75 ft. [4]	1,500 SF
						When a garage or other outbuilding is located at least fifty (50) feet from the front lot line, the structure may be placed within but not nearer than twenty-five (25) feet to the side or rear lot line.			
AE-2 [3]	1 du/ac	1 acre [3]	-	NTE 20%	- [1]	75 ft.	25 ft.	25 ft.	1,250 SF
BCE-1	1 du/ac	1 acre	-	NTE 20%	NTE 40 ft. [1]	75 ft.	25 ft.	25 ft.	1,250 SF
RS-1	1 du/ac	35,000 SF	150 ft.	NTE 25%	2 stories or 35 ft. [1]	35 ft.	35 ft.	25 ft.	2,000 SF
RS-2 [4]	2 du/ac	17,500 SF	100 ft.	NTE 30%	2 stories or 35 ft. [1]	30 ft.	25 ft.	20 ft. [4]	1,800 SF
RS-2.5 [4]	2.5 du/ac	12,000 SF	90 ft.	NTE 35%	2 stories or 35 ft. [1]	25 ft.	20 ft.	15 ft. [4]	1,650 SF
RS-3 [7, 4]	3 du/ac	10,000 SF	80 ft.	NTE 35%	2 stories or 35 ft. [1]	25 ft.	15 ft.	12.5 ft. [4, 7]	1,500 SF
						Corner lots: platted prior to September 20, 1989 shall provide one (1) front setback of twenty-five (25) feet and the second front setback of fifteen (15) feet. [4]			
BCRS-3 (Broward County RS≠3)	3 du/ac	10,000 SF	60 ft.	NTE 40%	2 stories or 35 ft. [1]	25 ft.	15 ft.	7.5 ft.	1,500 SF
RS-4 [4]	4 du/ac	7,500 SF	75 ft.	NTE 35%	2 stories	25 ft.	15 ft.	10 ft. [4]	1,300 SF

Encroachments: See special setbacks as provided in section 20-30, yard encroachments.

					or 35 ft. [1]					
RS-6	6 du/ac	5,000 SF Min. for Subdivision: 5 acres	≠	NTE 40%	2 stories or 30 ft. [1]	10 ft. (Front loaded garages: 20 ft.)	15 ft.	Corner side: 20 ft. Abutting a trafficway: 50 ft. Interior side: 10 ft.	1,150 SF	*Accessory uses and structures:* Special setbacks are applicable, as provided in article 15, division 55, accessory uses and structures.
RM-5 RM-6 RM-7 RM-8 RM-9 RM-10 BCRM-5 Two-family and Townhomes	RM-5: 5 du/ac RM-6; 6 du/ac RM-7: 7 du/ac RM-8: 8 du/ac RM-9: 9 du/ac RM-10: 10 du/ac	Two-family dwellings: 8,000 SF Two-family: With each unit occupying its own lot: 4,000 SF Townhouses: 1,600 SF	Two-family dwellings: 80 ft. Two-family: With each unit occupying its own lot: 40 ft. (length - 100 ft.) Townhouses: 20 ft. (length - 80 ft.)	Townhouse, two-family or multiple-family lot: NTE 40% Attached Groups of townhouse dwellings and multiple-family buildings: NTE 200 ft. in length	2 stories or 35 ft. [1, 11] (With SE approval: NTE 3 stories or 40 feet) [1, 5]	22 ft.	15 ft.	Any lot line not shared with an attached dwelling unit (side): 10 ft. Perimeter setback: 25 ft.	First bedroom: 750 SF, plus 200 SF for each additional BR	
BCRM-5 Single-Family Only (Broward County RM-5)	5 du/ac	6,000 SF	60 ft.	NTE 50%	2 stories or 35 ft. [1, 5] (With SE approval: NTE 3 stories or 40 feet) [1, 5]	25 ft.	15 ft.	10 ft.	1,150 SF	

Footnotes:

[1] See Section 15-5510 for maximum height requirements of accessory uses and structures.

[2] Animal enclosures in A-1 zoning district: Structures for the raising, boarding or housing of animals, except hogs, such as barns and stables, pens and coops, shall not be located within 25 feet of any side or rear lot line nor within 75 feet of any front lot line.

[3] Except for those lots originally laid out in the unrecorded plat of Pine Tree Estates which consist of less than 1 acre.

[4] All lots in the RS-2, RS-2.5, RS-3, RS-4 zoning districts contained in a plat approved by the city prior to September 1, 2000, shall maintain the side yard setback requirements that were in effect at the time of plat approval.

[5] Any building exceeding 2 stories or 35 feet shall be a minimum of 300 feet from any property line and any property zoned A-1, AE-1, AE-2, or RS-1 through RS-6, and shall provide a minimum of 50% pervious open space on the lot.

KEY: du/ac = dwelling units per acre ft. = feet SF = square feet Min. = Minimum Max. = Maximum BR = bedroom NTE = not to exceed

(Ord. No. 2019-001B, § 9, 9-25-2019)

ARTICLE 15. - DETAILED USE REGULATIONS

DIVISION 1. - RESIDENTIAL PERMITTED USES LOCATED WITHIN NONRESIDENTIAL DISTRICTS

Sec. 15-110. - Residential permitted uses located within nonresidential districts.

The following regulations shall apply where a lot in a nonresidential district is utilized for a permitted residential use:

A. Such residential use shall not exceed fifty (50) percent of the gross floor area of any structure.
B. Such residential use shall conform to the minimum floor area requirements of the RM-10 district regulations.
C. No residential use shall be located on the first floor or ground floor other than a lobby or foyer serving a residential use, and accessory uses such as storage areas, garages and other similar facilities.
D. No building permit shall be issued for any uses involving residential uses until such time as the city commission determines that the residential use is consistent with the comprehensive plan and the allocation of the necessary residential reserve or flexibility units has been approved by the city commission.

(Ord. No. 2019-001B, § 3, 9-25-2019)

DIVISION 2. - BIG BOX RETAIL ESTABLISHMENTS

Sec. 15-210. - Big box retail establishments minimum lot size and special exception required.

A big box retail establishment shall be located only on a lot which exceeds twenty (20) acres in area, and only as a special exception. In no event shall a big box retail establishment in excess of fifty thousand (50,000) square feet be permitted on any lot of any size. In addition to the special exception requirements set forth in article 60, the following additional requirements shall be satisfied as a prerequisite to the granting of a special exception for a big box retail establishment:

A. Landscaping shall be of such a nature and design that the big box retail establishment shall not be visible from a public right-of-way, except from a position on the side of the right-of-way (abutting the lot in question) within fifty (50) feet of either side of the entrance to the lot on which it is located; and
B. All sides of the big box retail establishment shall contain architectural detail comparable in appearance and complexity to the front of the big box retail establishment; and
C. The building shall not have a length (front elevation) in excess of two hundred (200) feet.

(Ord. No. 2019-001B, § 3, 9-25-2019)

DIVISION 3. - DRY CLEANING ESTABLISHMENTS

Sec. 15-310. - Dry cleaning establishments for direct service.

Dry cleaning establishes for direct service to customers subject to the following limitations and requirements:

A. Not more than two (2) cleaning units shall be used in any traditional dry cleaning establishment, neither of which shall have a rated capacity in excess of forty (40) pounds.
B. Not more than two (2) cleaning units shall be used in environmentally friendly dry cleaning establishment, neither of which shall have a rated capacity in excess of eighty (80) pounds.
C. The entire cleaning and drying process shall be carried on within completely enclosed solvent-reclaiming units or closed loop system that recycles solvents.
D. All solvents used in the cleaning process and vapors therefrom shall be nonexplosive and noninflammable up to a temperature of one hundred sixty (160) degrees.

(Ord. No. 2019-001B, § 3, 9-25-2019)

DIVISION 4. - HEALTH SPA OR MASSAGE ESTABLISHMENTS

Sec. 15-410. - Health spas or massage establishments hours of operation.

A. Operation of a health spa, or massage establishment as defined in section 5-3530, between the hours of 8:00 p.m. and 8:00 a.m. is prohibited unless the city commission first grants a special exception permit to allow a business to remain open to a later time.

B. This restriction shall not apply to the operations of a gymnasium provided said gymnasium does not offer massage services between the hours of 8:00 p.m. and 8:00 a.m.

C. The hours of operation shall apply to all massage establishments except as may be otherwise provided in state law.

(Ord. No. 2019-001B, § 3, 9-25-2019)

DIVISION 5. - SIDEWALK CAFES

Footnotes:
*--- (**3**) ---*
***Editor's note—** Provisions included in this Div. 5 were designated as §§ 15-5010—15-5095. In order to avoid the duplication of section numbers (see Div. 15) and to maintain the numbering style of this Land Development Code, said provisions have been redesignated as §§ 15-510—15-595.*

Sec. 15-510. - Permit required.

It shall be unlawful for any person to establish a sidewalk cafe at any site unless a valid permit to operate a sidewalk cafe has been obtained for that site, from the city pursuant to this division. The permit shall be requested on an application form provided by the planning and zoning department. No permit shall be issued until all the requirements of this division have been met. Permits shall not be transferable.

(Ord. No. 2015-09, § 2(Exh. A), 9-21-2015; Ord. No. 2019-001, § 8(Exh. G), 9-25-2019)

Sec. 15-520. - Required information.

In addition to the required permit application, the following must be provided at the time the application is submitted:

A. A copy of a valid city business tax receipt.

B. A sketch plan of the area between the storefront and vehicular travel and/or parking surface, drawn to a minimum scale of one (1) inch equals ten (10) feet which shows (as appropriate):

1. The store front and all openings (doors, windows);
2. The location of curbs, sidewalks, and any utility poles, fire hydrants, landscaping, or other items, within the right-of-way and private property, between the curb and the store front;
3. The location of any of the above items which are within six (6) feet of the ends of the proposed use area; and the location of parking spaces (or use of the street) adjacent to the proposed use area;
4. Clear delineation of the boundary between private property and the right-of-way;
5. Delineation of "clear pathways" and "clear distances" as required by this article;
6. Proposed location of tables and chairs and any other objects;
7. Photographs and/or manufacturer brochures depicting the chairs, tables, umbrellas and other objects including, but not limited to, lighting to be used in the proposed sidewalk cafe area.

(Ord. No. 2015-09, § 2(Exh. A), 9-21-2015)

Sec. 15-530. - Processing.

The planning and zoning director shall review the permit application for compliance with this division and shall issue permits accordingly. The action of the planning and zoning director may be appealed pursuant to article 55, division 15, appeals of administrative decisions.

(Ord. No. 2015-09, § 2(Exh. A), 9-21-2015)

Sec. 15-540. - Geographic limitation.

A permit for a sidewalk cafe may be issued within those zoning districts which allow restaurants, subject to any limitations or restrictions of the particular district.

(Ord. No. 2015-09, § 2(Exh. A), 9-21-2015)

Sec. 15-550. - Use, design, and maintenance.

A. A sidewalk cafe shall only be established in conjunction with a legally established full-service restaurant and/or takeout food store, where the food product is prepared, processed, or assembled on the premises (for example: deli, ice cream store, sandwich shop).

B. The sidewalk cafe operator must be in compliance with all applicable building occupancy and health department regulations.

C. A sidewalk cafe shall be permitted in front of the business and such businesses immediately adjacent to the business with which the sidewalk cafe is associated. The sidewalk cafe operator must receive the written permission, in a form acceptable to the city, from affected adjacent businesses before establishing the sidewalk cafe in front of such adjacent businesses. Sidewalk cafes may also be permitted in other locations if determined by the planning and zoning director to be consistent and compatible with the site plan for the commercial center where the cafe will be located.

D. Alcoholic beverages may be consumed at a sidewalk cafe provided the required license is obtained except if located in a B-1 commercial district, in which case said consumption shall be prohibited.

E. The use of the tables and chairs at a sidewalk cafe shall be only for the customers of the business with which the sidewalk cafe is associated.

F. A clear pathway, parallel with the street or parking lot, with a minimum width of five (5) feet shall be maintained for through pedestrian traffic. If such a five-foot clear pathway cannot be maintained, no permit shall be issued. A greater width may be required as a condition of approval.

G. A clear distance with a minimum of five (5) feet shall be provided from any alley, crosswalk, fire hydrant, travel lane, drive aisle or driveway. A greater clear distance may be required as a condition of approval.

H. Use area and/or seating capacity realized through a sidewalk cafe use and contiguous outdoor dining areas shall not invoke provisions of the zoning code as they pertain to parking or other matters provided that the outdoor seating does not constitute greater than twenty-five (25) percent of the establishment's total seating, when the establishment has more than twelve (12) seats inside. When an establishment has twelve (12) or fewer seats interior to the establishment, up to six (6) outdoor seats may be provided without invoking additional parking requirements.

I. Food may be carried to tables by patrons or served by a table waiter. Food shall not be prepared in the sidewalk cafe area.

J. Hours of operation shall be the same as the associated businesses unless otherwise restricted through a condition of the sidewalk cafe permit.

K. The permit may be suspended upon written notice of the city manager or designee, and the removal of the cafe may be ordered by the city when repairs necessitate such action. The city however, may immediately remove or relocate all or parts of the sidewalk cafe or order said removal or relocation in emergency situations, without written notice.

L. Tables, chairs, umbrellas, and any other objects provided within a sidewalk cafe shall be maintained in a clean attractive manner and shall be in good repair at all times, ensuring a tidy and neat appearance. Tables and chairs shall be moved inside the building at the close of each business day.

M. Tables, chairs, umbrellas and any other objects provided as part of the sidewalk cafe shall be of quality design and materials; both to ensure the safety and convenience of uses, and to be compatible with the uses in the immediate vicinity of the proposed sidewalk cafe. No plastic or concrete tables and chairs shall be permitted.

N. The sidewalk area, covered by the permit, shall be maintained in a neat and orderly manner at all times and the area shall be cleared of all debris and stains on a periodic basis during the day and again at the close of each business day, ensuring a tidy appearance.

O. No tables, chairs, or any other part of sidewalk cafes shall be attached, chained, or in any manner affixed to any tree, post, sign or other fixtures, curb or sidewalk within or near the permitted area.

P. The sidewalk cafe must be operated in such a manner as to comply with all applicable city noise and nuisance regulations.

Q. At least one-half (½) the area used for the sidewalk cafe must be reserved/dedicated for "no smoking."

R. All outdoor seating areas shall be protected from adjacent vehicular use areas through design measures accepted by the city engineer. Site specific contexts shall be considered in determining the required and accepted protection methods.

(Ord. No. 2015-09, § 2(Exh. A), 9-21-2015; Ord. No. 2019-001A, § 8(Exh. G), 9-25-2019)

Sec. 15-560. - Liability and insurance.

A. Prior to the issuance of a permit, the applicant shall furnish a signed statement in a form approved by the city attorney which provides that the permittee shall hold harmless the city, its officers and employees and shall indemnify the city, its officers and employees from any claims for damages to property or injury to persons which may be occasioned by any activity carried on under the terms of the permit.

B. The applicant for a permit shall furnish insurance and insurance certificate, which shall be approved by the city attorney, and maintain such public liability, food products liability, and property damage insurance from all claims and damages to property or bodily injury, including death, which may arise from operations under the permit or in connection therewith. Such insurance shall provide coverage of not less than one million dollars ($1,000,000.00) for bodily injury, and property damage, respectively, per occurrence. Such insurance shall name the city, its officers and employees as additional insureds and shall further provide that the policy shall not terminate or be canceled without thirty (30) days written notice to the city.

(Ord. No. 2015-09, § 2(Exh. A), 9-21-2015)

Sec. 15-570. - Denial, revocation, or suspension of permit.

The planning and zoning director may deny, revoke, or suspend a permit of any sidewalk cafe in the city if it is found that:

A. Any necessary business or health permit has been suspended, revoked, or canceled or has lapsed.

B. Changing conditions of pedestrian or vehicular traffic cause congestion necessitating removal of the sidewalk cafe, in order to avoid danger to the health, safety or general welfare of pedestrians or vehicular traffic.

C. The sidewalk cafe is being operated in such a manner that it violates the city's noise and nuisance regulations as provided in chapter 11 of the Code of Ordinances.

D. The permittee has failed to correct violations of this article or conditions of permitting within three (3) days of receipt of written notice of same.

Sec. 15-580. - Removal and storage fees.

A. The city may remove, relocate, or order the removal or relocation of tables and chairs and other items located in the approved sidewalk areas, and may require that the permittee reimburse the city for costs of labor, transportation, and storage, should the permittee fail to remove said items within thirty-six (36) hours of receipt of the written notice from the planning and zoning director ordering removal or relocation. However, in the event of an emergency, no written notice of relocation or removal shall be given and relocation and/or removal shall commence immediately.

B. The permittee may appeal the order of the planning and zoning director pursuant to article 55, division 15, appeals of administrative decisions.

(Ord. No. 2015-09, § 2(Exh. A), 9-21-2015)

Sec. 15-590. - Code enforcement jurisdiction.

The code enforcement special magistrate shall have concurrent jurisdiction over violations of this division.

(Ord. No. 2015-09, § 2(Exh. A), 9-21-2015)

Sec. 15-595. - Appeals.

A. Appeals of the decision of the planning and zoning director or designee shall be initiated within ten (10) days of a permit denial, revocation or suspension, or of an order of removal or relocation, by filing a written notice of appeal with the city manager.

B. The city manager shall place the appeal on the first available regular city commission agenda. At the hearing on appeal, the city commission shall hear and determine the appeal, and the decision of the city commission shall be final and effective immediately.

C. The filing of a notice of appeal by a permittee shall not stay an order of the city manager or designee regarding the suspension, revocation or denial of permit, or the relocation or removal of the vestiges of the sidewalk cafe. Items permitted in conjunction with the sidewalk cafe permit shall be removed as set forth in this division, pending disposition of the appeal and the final decision of the city commission.

(Ord. No. 2015-09, § 2(Exh. A), 9-21-2015)

DIVISION 6. - RENTALS

Sec. 15-600. - Vacation rentals.

(a) *Authority, scope and purpose.*

(1) This chapter is enacted under the home rule power of the City of Parkland in the interest of the health, peace, safety and general welfare.

(2) Section 509.013, Florida Statutes, provides a distinction between "transient public lodging establishments," which are rented, or advertised or held out for rental to guests more than three (3) times in a calendar year for periods of less than thirty (30) days or one (1) calendar month, whichever is less; and "non-transient public lodging establishments," which are rented, or advertised or held out for rental to guests for periods of at least thirty (30) days or one (1) calendar month, whichever is less.

(3) Section 509.242(1)(c), Florida Statutes, further provides for a subset of transient public lodging establishments called "vacation rental", which is any unit or group of units in a condominium or cooperative or any individually or collectively owned single-family, two-family, three-family or four-family house or dwelling unit that is also a transient public lodging establishment, but that is not a timeshare project.

(4) It is the intent of this section to regulate life safety requirements for vacation rentals as defined by Florida Statutes that are located in single-family and two-family residential dwelling zoning districts of the City of Parkland.

(5) In 2011, the Florida Legislature passed House Bill 883, (Chapter 2011-119, Laws of Florida), amending F.S. § 509.032(b) to provide that "[a] local law, ordinance, or regulation may not restrict the use of vacation rentals, prohibit vacation rentals, or regulate vacation rentals based solely on their classification, use or occupancy. This paragraph does not apply to any local law, ordinance, or regulation adopted on or before June 1, 2011."

(6) In 2014, the Florida Legislature passed Senate Bill 356 (Chapter 2014-71, Laws of Florida), amending that same statute to read "[a] local law, ordinance, or

regulation may not prohibit vacation rentals, or regulate the duration or frequency of rental of vacation rentals. This paragraph does not apply to any local law, ordinance, or regulation adopted on or before June 1, 2011."

(7) This ordinance does not prohibit vacation rentals, or regulate the duration or frequency of vacation rentals, nor is it the intention of the City of Parkland to do so, but rather this section is intended to address life safety and compatibility concerns and the secondary effects of vacation rentals in residential neighborhoods in the interests of the health, peace, safety, and general welfare.

(b) *Findings of fact.*

(1) Residents residing within their residential dwellings are inherently familiar with the local surroundings, local weather disturbances, local hurricane evacuation plans, and means of egress from their residential dwellings, thereby minimizing potential risks to themselves and their families.

(2) In contrast, transient occupants of vacation rentals, due to their transient nature, are typically not familiar with local surroundings, local weather disturbances, local hurricane evacuation plans, and means of egress from the vacation rentals in which they are staying, thereby increasing potential risks to themselves and their families, and putting an additional burden on, and potentially putting at risk, emergency personnel in the event of an emergency situation.

(3) Certain vacation rentals are presently located within the single-family and two-family dwelling residential zoning districts of the City of Parkland.

(4) Vacation rentals, left unregulated, can create negative impacts within residential neighborhoods due to excessive noise, parking and traffic problems, excessive use and impact on public services and public works, extreme size and/or greater occupancy.

(5) Vacation rentals situated within residential neighborhoods can disturb the quiet nature and atmosphere of the residential neighborhoods, and the quiet enjoyment of its residents.

(6) Vacation rentals located within established residential neighborhoods can create negative compatibility impacts relating to extreme noise levels, late night activities, on-street parking issues and traffic congestion.

(7) A residential dwelling is typically the single largest investment a family will make with the residents of the residential dwelling desiring the tranquility and peaceful enjoyment of their neighborhood without excessive noise and increased parking issues and traffic congestion caused by transient occupants of vacation rentals.

(c) *Vacation rental standards.* Vacation rentals shall be permitted in all residential zoning districts provided they are in compliance with this section and the applicable zoning district regulations and provided the property is the subject of a current registration certificate as provided for herein. No person shall rent or lease all or any portion of a dwelling unit as a vacation rental (as defined in section 5-3530 of this land development code) without complying with the following standards governing the use of any vacation rental as a permitted use:

(1) *Minimum life/safety requirements.*

a. *Swimming pool, spa and hot tub safety.* A swimming pool, spa or hot tub shall comply with the current standards of the Residential Swimming Pool Safety Act, F.S. ch. 515.

b. *Smoke and carbon monoxide (CO) detection and notification system.* If an interconnected and hard-wired smoke and carbon monoxide (CO) detection and notification system is not in place within the vacation rental unit, then an interconnected, hard-wired smoke alarm and carbon monoxide (CO) alarm system shall be required to be installed and maintained on a continuing basis consistent with the requirements of Section R314, Smoke Alarms, and Section R315, Carbon Monoxide Alarms, of the Florida Building Code-Residential.

c. *Fire extinguisher.* A portable, multi-purpose dry chemical 2A:10B:C fire extinguisher shall be installed, inspected and maintained in accordance with NFPA 10 on each floor/level of the unit. The extinguisher(s) shall be installed on the wall in an open common area or in an enclosed space with appropriate markings visibly showing the location.

d. *Hard-wired emergency lighting of primary means of egress.* Hard-wired emergency lighting shall be installed that provides illumination automatically in the event of any interruption of normal lighting for a period of not less than one and one-half (1.5) hours to illuminate the means of egress.

e. *Emergency egress and maintenance.* Halls, entrances and stairways within a vacation rental shall be clean and ventilated. Hall and stair runners shall be kept in good condition. Rails shall be installed on all stairways and around all porches and steps.

(2) *Maximum occupancy.* All vacation rental units shall be occupied by no more than one family as such is defined section 5-3530 of the land development code.

(3) *Minimum vacation rental information required postings.* The vacation rental shall be provided with posted material as required by the city as prescribed herein.

(4) *Responsible party.* Designation of a vacation rental responsible party capable of meeting the duties provided herein.

(5) *Other standards.* Any other applicable standards contained within the City of Parkland Land Development Code and the City of Parkland Code of Ordinances.

(6) *Registration certificate.* It shall be unlawful for any person to operate a vacation rental within the corporate limits of the city without obtaining a registration certificate pursuant to this section. Prior to the issuance of a registration certificate, the applicant must provide all of the following to the planning and zoning department:

a. A current business tax receipt from the City of Parkland pursuant to the Parkland Code of Ordinances.

b. A copy of the vacation rental's current registration with the Broward County Tourist Development Tax Section for purposes of collecting and remitting tour development taxes.

c. A copy of the Florida Department of Business and Professional Regulation license as a transient public lodging establishment/vacation rental.

d. A copy of the vacation rental's current and active certificate of registration with the Florida Department of Revenue for the purposes of collecting and remitting sales surtaxes, transient rental taxes, and any other taxes required by law to be remitted to the Florida Department of Revenue, if the registrant has such certificate of registration.

e. Required vacation rental postings. Copies of required postings on the vacation rental premises in a visible location.

f. A registration fee in the amount established by resolution of the city commission.

(7) *Registration renewal.* A certificate of registration shall only remain current for a period of one (1) year; thereafter it shall be deemed void unless a new certificate is obtained through the same procedures as were applicable to the original certificate.

(d) *Compliance inspections of vacation rentals.* An inspection of the dwelling unit for compliance with the minimum life/safety requirements set forth in this section is required as a condition of registration and registration renewal. If violations are found, all violations must be corrected and the dwelling unit must be re-inspected prior to issuance of the registration certificate.

(e) *Vacation rental responsible party.*

(1) The purpose of the responsible party is to respond to routine inspections and as well as non-routine complaints and other more immediate problems related to vacation rental of the property.

(2) The property owner may serve as the responsible party or shall otherwise designate a vacation rental responsible party to act on their behalf. Any person eighteen (18) years of age or older may be designated by the owner provided they can perform the duties listed herein.

(3) The duties of the vacation rental responsible party whether the property owner or an agent are to:

a. Be available by landline or mobile telephone at the listed phone number twenty-four (24) hours a day, seven (7) days a week; said person shall have authority from the owner to respond to any issues arising from the vacation rental use related to compliance with this ordinance or any other requirements of the city Code; and

b. If necessary, be willing and able to come to the vacation rental unit within two (2) hours following notification from an occupant, the owner, or the city to address issues related to the vacation rental; and

c. Be authorized to receive service of any legal notice on behalf of the owner for violations of this section; and

d. Otherwise monitor the vacation rental unit at least once weekly to assure continued compliance with the requirements of this section.

(4) A property owner may change his or her designation of a vacation rental responsible party temporarily or permanently; however, there shall only be one (1) vacation rental responsible party for each vacation rental at any given time. To change the designated responsible party, the property owner shall notify the city in writing via a completed form provided by the city.

(f) *Required posting of the following vacation rental unit information.*

(1) On the back of or next to the main entrance door, or on the refrigerator, there shall be provided as a single page the following information:

a. The name, address and phone number of the vacation rental responsible party;

b. The days of trash pickup and recycling;

c. A copy of this ordinance or directions on where a copy of this ordinance may be accessed on the internet or physically within the unit.

(2) If the vacation rental unit includes three (3) or more occupied floors, on the third floor above ground level and on each and every higher floor there shall be posted, next to the interior door of each bedroom, a legible copy of the building evacuation map - Minimum eight and one-half (8½) inches by eleven (11) inches in size.

(g) *Registration certificate required.* No person shall operate a vacation rental, or permit a vacation rental to be operated on property owned or leased by said person, without first registering the property as a vacation rental as required herein. A current registration certificate for the property shall be the sole evidence of registration. The city manager or his/her designee shall provide a registration application and may implement specific processes consistent with this section in order to provide for the issuance of the registration certificate and renewals.

(h) *Violations.* Any of the following shall be considered violations of this section:

(1) Noncompliance with any provisions of this section or any life, health or safety regulations in the city Code or land development code.

(2) A material misrepresentation in the application for the registration certificate or registration renewal.

Each day a violation exists shall constitute a separate and distinct violation.

(i) *Penalties.*

(1) Any violation of the provisions of this section may be enforced either pursuant to section 1-11 of the City of Parkland Code of Ordinances or as set forth in sections 2-52 through 2-52.9 of the city Code (enforcement procedure).

(2) Additional remedies. Nothing contained herein shall prevent the city from seeking all other available remedies for violation of this section, which may

include, but not be limited to, daily fines through the enforcement procedure, injunctive relief, liens, and other civil and criminal penalties as provided by law, as well as referral to other enforcing agencies.

(j) *Effective date.* The requirements set forth in this ordinance shall be effective as of September 30, 2019.

(k) *Certificate of registration certificate.* Any vacation rental certificate issued under this section shall be deemed revoked if, pursuant to the enforcement procedure, the subject property is found in violation of this section on two (2) separate occasions during any twelve-month period and the violation is not cured within the time frame specified by the code enforcement special magistrate. The city manager or his/her designee shall notify the registrant in writing of the revocation. In such case, no registration certificate shall be reinstated for a period of twelve (12) months after issuance of the revocation notice.

(Ord. No. 2018-020, § 2, 3-20-2019)

DIVISION 10. - CONSTRUCTION AND SALES TRAILERS

Footnotes:
*--- (**4**) ---*
Editor's note— *Ord. No. 2020-008 , adopted September 14, 2020, amended div. 10 in its entirety to read as herein set out. Former div. 10 pertained to the same subject matter, and derived from Ord. No. 2020-008, adopted September 21, 2015.*

Sec. 15-1010. - Permit required.

It shall be unlawful for any construction or sales trailer to be located on any property unless a valid building permit has been obtained from the city's building department for said trailer. No such trailer permit may be issued until after the project for which the trailer is to be used has received any applicable site plan approval by the city commission and a permit has been issued for site improvement work.

For the purpose of this division, a trailer shall include any premanufactured structure.

(Ord. No. 2020-008 § 2(Exh. A), 9-14-2020)

Sec. 15-1020. - Site plan required.

Any application submitted for the placement of a construction or sales trailer must be accompanied by a site plan drawn to scale which depicts the location of the trailer and any other related temporary structures on the property. The site plan shall provide all information necessary to demonstrate compliance with provisions set forth in this article.

(Ord. No. 2020-008, § 2(Exh. A), 9-14-2020)

Sec. 15-1030. - Appearance of trailers.

Construction and sales trailers to be located on any construction site must not show visible and pronounced signs of wear and tear. The trailer must be structurally sound and tied down in accordance with building code regulations. The trailer must be maintained in good condition at all times it is located on the site. The area around the trailer must also be kept in good order with no junk, debris, or trash permitted unless located in a proper storage/dumpster container.

(Ord. No. 2020-008, § 2(Exh. A), 9-14-2020)

Sec. 15-1040. - Location of trailers.

Construction trailers (and any other associated storage/dumpster containers) shall be located as far away from any abutting public right-of-way and adjoining residentially developed property as practical given the extent and location of the improvements to be constructed on the site.

(Ord. No. 2020-008, § 2(Exh. A), 9-14-2020)

Sec. 15-1050. - Screening of trailers.

The sides of any trailers (and any other associated storage/dumpster containers) that face a public right-of-way and adjoining residentially developed property shall be screened by a combination of a berm, decorative fence, landscaping, and/or skirting. Existing vegetation on site may be used to screen the trailer as a substitute for the above if deemed adequate by the community appearance board. Any such screening installed shall be properly maintained for the duration the trailer is located on the site.

(Ord. No. 2020-008, § 2(Exh. A), 9-14-2020)

Sec. 15-1060. - No signage.

No signage shall be permitted on the trailer.

(Ord. No. 2020-008, § 2(Exh. A), 9-14-2020)

Sec. 15-1070. - Trailer facilities.

No sleeping facilities shall be permitted in the trailer. Any sanitary facilities must be approved by the county health department prior to applying for a building permit.

(Ord. No. 2020-008, § 2(Exh. A), 9-14-2020)

Sec. 15-1080. - Removal of trailer.

A building permit must be obtained for the removal of any trailer from a project site. The trailer and any other associated temporary site improvements must be removed within ten (10) working days upon a determination by the city manager that the trailer is no longer required, or as otherwise provided as a condition of site plan approval for the trailer.

No trailer shall be converted to a permanent use or structure. Trailers legally converted to a permanent use via site plan approval prior to September 14, 2020 are not considered in violation of this section.

(Ord. No. 2020-008, § 2(Exh. A), 9-14-2020)

Sec. 15-1090. - Bonding requirement.

A bond or other form of surety approved by the city attorney in the amount of four thousand dollars ($4,000.00) shall be posted with the city clerk's office prior to the issuance of the required building permit to cover the cost of removing any trailer and any other associated temporary site improvements should the owner/applicant fail to comply with section 15-1080, removal of trailer.

(Ord. No. 2020-008, § 2(Exh. A), 9-14-2020)

Sec. 15-1095. - Code enforcement jurisdiction.

The special magistrate shall have concurrent jurisdiction over violations of the division, but may only assess fines for noncompliance with the requirements of this article.

(Ord. No. 2020-008, § 2(Exh. A), 9-14-2020)

DIVISION 15. - PORTABLE/TEMPORARY STORAGE UNITS

Sec. 15-1510. - Portable/temporary storage units.

A. Portable/temporary storage units (units used for portable storage excluding construction trailers) may be located in the community facilities zoning district.
B. Prior to commencing business within the city, any company or vendor that provides the portable/temporary storage units to properties within the city must obtain a business tax receipt from the city outlining the obligations and requirements prior to conducting business within the city.
C. The property owner must deposit five hundred dollars ($500.00) with the city for each portable/temporary storage unit prior to the placement of the unit on site, to ensure the timely removal of the unit and compliance with this section unless such fee is waived by the city commission.
D. The maximum cumulative square footage for all portable/temporary storage units on any site shall not exceed one hundred thirty (130) square feet in area.
E. Portable/temporary storage units shall only be placed in a site location as approved by the planning and zoning department and shall meet all required setbacks for the applicable zoning district.
F. No portable/temporary storage unit shall remain at a site in excess of six (6) consecutive months. Notwithstanding the time limitations as stated above, all units shall be removed immediately upon the issuance of a hurricane watch by a recognized governmental agency. The removal of the unit shall be the responsibility of the provider of the unit or the property owner.
G. Prior to placing a portable/temporary storage unit on any site, the provider of the unit(s) and/or the property owner or renter must obtain a zoning permit. The zoning permit application shall be in a form provided by the city and issued by the planning and zoning department. The exterior of the storage unit shall have a weatherproof clear pouch which must display the site permit.
H. The provider and/or property owner or renter of the portable/temporary storage unit shall be responsible to ensure that the unit is in good condition, free from evidence of deterioration, weathering, discoloration, rust, ripping, tearing or other holes or breaks. When not in use, the unit shall be kept locked. No unit shall be utilized to store illegal or hazardous materials.

I. It shall be unlawful for any person to place or permit the placement of a portable/temporary storage unit on property which he or she owns, rents, occupies or co without first obtaining a zoning permit from the planning and zoning department.

J. Failure to comply with any part of this section shall be punished by a fine not to exceed five hundred dollars ($500.00) or imprisonment for a term not exceeding sixty (60) days or by both fine and imprisonment. Each day a violation exists shall be a separate violation. In addition, the city shall also have the right to revoke, refuse to issue, refuse to re-issue, refuse to transfer, or refuse to renew any business tax receipt or building permit for any facility, business, entity or establishment where the violation occurred until such time as the violation and/or fine is corrected.

K. The above provisions notwithstanding, persons who place or permit the placement of a portable/temporary storage unit without first obtaining a zoning permit shall be provided a twenty-four-hour grace period from delivery to remove the unit or obtain a zoning permit. Should the person not obtain a permit or not remove the unit at the termination of the grace period, the person shall be considered in violation of this division.

(Ord. No. 2015-09, § 2(Exh. A), 9-21-2015)

DIVISION 20. - GROUP HOMES

Sec. 15-2010. - Development standards for certain group homes.

A. *Design standards.* Minimum lot area, minimum yard requirements, maximum lot coverage, minimum landscaped area and maximum height shall be governed by the regulations of the zoning district within which the property is located.

B. *Dispersal.* Community residential homes shall be subject to the restrictions set forth in F.S. § 419.001, as amended from time to time.

C. *Density computation.* The maximum allowable density shall not exceed the density allowed by the City of Parkland Land Use Plan, or in the applicable zoning district, whichever is more restrictive. Density shall be computed using dwelling unit equivalents as follows:

Use type	Density calculation
Community Residential Home Type I* for six (6) or fewer residents	One (1) dwelling unit. A Type I Home shall be allowed wherever single-family dwelling units are permitted, and are subject to the same regulations of this chapter that apply to one-family dwellings, except as provided in this section.
Community residential home Type II* for seven (7) to fourteen (14) residents	Two (2) dwelling units per home. A Type II Home shall be allowed wherever two-family dwellings are permitted, and are subject to the same regulations of this chapter that apply to two-family dwellings, except as provided in this section.
ALF Assisted living facility**	One (1) dwelling unit for each two (2) sleeping rooms. There shall not be more than two (2) beds per sleeping room.
Continuous life care facility, governmentally subsidized	One (1) dwelling unit for each two (2) sleeping rooms.

;note; *As defined in F.S. § 419.001, as amended from time to time

**As defined in section 5-3530, terms defined.

D. *Number of persons per sleeping room.* The maximum number of residents shall not exceed the applicable State of Florida requirements.

E. *Minimum floor areas.* The minimum floor areas are established as follows:

Community residential home I		Same as for a single-family detached dwelling in the applicable zoning district.
Community residential home II		
	Sleeping room for one resident	150 square feet
	Sleeping room for two residents	300 square feet

	Full service units efficiency	400 square feet
	One bedroom (full service unit)	585 square feet
	Two bedroom (full service unit)	850 square feet
Assisted living facility		
	Sleeping room for one resident	150 square feet
	Sleeping room for two residents	300 square feet
	Full service units efficiency	400 square feet
	One bedroom (full service unit)	585 square feet
	Two bedroom (full service unit)	850 square feet

F. *Parking requirements.* The minimum parking requirements are as follows:

Community residential home Type I	Same as for a single-family detached dwelling unit.
Community residential home Type II	Three (3) parking spaces plus two-tenths (0.2) of a space per resident
Assisted living facility	One and one-half (1½) spaces per each dwelling unit equivalent capacity
Nursing home	One (1) space per four (4) beds

(Ord. No. 2015-09, § 2(Exh. A), 9-21-2015)

DIVISION 25. - PARKS

Sec. 15-2510. - Design guidelines for parks.

Neighborhood, community, active and passive parks shall be developed pursuant to the National Recreation and Park Association guidelines.

(Ord. No. 2015-09, § 2(Exh. A), 9-21-2015)

DIVISION 30. - TRANSFORMER SUBSTATIONS

Sec. 15-3010. - Special minimum regulations for transformer substations.

A. 1. The lot shall be provided with a yard not less than thirty (30) feet in depth or width adjacent to all street lines and lot lines of other residentially zoned property and a yard of at least twenty-five (25) feet in depth adjacent to a rear lot line.

2. The yards required under this paragraph shall be fully landscaped as specified below and shall be used for any fence, wall, building or structure, except that a fence not over six (6) feet in height may be erected at least thirty (30) feet from any street line. Minimum driveways or walkways necessary for access may cross required yards.

B. Required landscaping shall consist of the following:

1. A hedge or decorative masonry screen a minimum of six (6) feet shall enclose all exposed equipment areas. Hedges shall be a minimum of four (4) feet high at the time of planting and maintained, trimmed properly and neatly, and kept in good health.
2. Trees shall be planted in the open space surrounding the exposed equipment area. There shall be one (1) tree for every twenty (20) linear feet of the lot perimeter. Trees shall have a minimum height of fifteen (15) feet with an eight-foot spread.
3. The remaining open area shall be planted with shrubs or trees so that, to the extent feasible, and given the size of the transformer, landscaping is the predominate element on the site.
4. A sprinkler system shall be provided for all planting areas.
5. Plant material shall be Florida Grade No. 1 or better and planted according to good horticultural practice. All landscaped areas shall be maintained in a healthy, growing condition, properly watered and trimmed.
6. All landscaping shall conform to all other applicable landscape and other regulations.

(Ord. No. 2015-09, § 2(Exh. A), 9-21-2015)

DIVISION 35. - ANTENNAS

Sec. 15-3510. - Special regulations for antennas and satellite dish antennas.

A. *Applicability.* This section shall apply to all antennas, towers, masts and satellite dishes other than wireless facilities regulated in article 150, telecommunication towers and antennas.

B. *[Definitions.]* For the purposes of this section, the following definitions shall apply:

Landscaping includes planting and maintaining natural vegetation, ground cover, hedges and trees to be so arranged and maintained as to provide an effectively solid mass of foliage varying in height and providing a continuous screen.

Satellite dish antenna means a device or instrument designed or used for the reception of television or other electronic communication signal broadcast or relayed from an earth station.

C. *[Permitted.]* Antennas and satellite dish antennas shall be permitted in all zoning districts provided the following criteria are met:

1. Antennas and satellite dish antennas shall not be located in a required front yard, street side yard or closer than ten (10) feet to an interior lot line.
2. In nonresidential and nonagricultural zoning districts, freestanding antennas and satellite dish antennas shall not exceed fifty (50) feet in height or the maximum permitted height of the zoning district plus fifteen (15) feet, whichever is greater. Roof or building-mounted antennas shall not be higher than fifteen (15) feet above the height of the building to which they are mounted, and satellite dish antennas shall not be higher than five (5) feet above the roof deck of a flat roof, or eave of a pitched roof at the location of the satellite dish.
3. In agricultural and residential districts, antennas shall not exceed the highest peak of the roof, or one hundred twenty-five (125) percent of the maximum permitted height in the zoning district, whichever is greater.
4. Satellite dish antennas are allowed subject to the following restrictions:
   a. Maximum twelve (12) feet in height if freestanding;
   b. Maximum one (1) meter in diameter;
   c. Shall be ground mounted or mounted to the roof eave of a building or lower and shall not extend more than five (5) feet above the roof eave.
5. Installation in any zoning district shall require a permit from the building department. The permit shall assure that the installation, supporting structures and accessory equipment, shall be located and designed so as to minimize the visual impact on surrounding properties and from public streets. Satellite dish antennas shall be screened from off premises, such as public right-of-way or public easement and adjacent property by landscaping, the addition of architectural features that harmonize with the elements and characteristics of the property, or both. In nonresidential and nonagricultural districts, rooftop mounted satellite dishes shall be fully screened from view on all sides by an architectural enclosure.
6. In agricultural, agricultural estate, estate and single-family districts, only one (1) satellite dish antenna shall be permitted per lot.
7. All satellite dish antennas in any zoning district, constructed and erected prior to the effective date of the ordinance from which this section is derived, which do not conform to the requirements set forth herein shall be nonconforming antennas for a period of eighteen (18) months. Thereafter, all satellite dish antennas shall comply with the requirements of this section.

(Ord. No. 2015-09, § 2(Exh. A), 9-21-2015)

DIVISION 40. - HOME OCCUPATIONS

Sec. 15-4010. - Home occupations.

A. Home occupations, subject to the provisions contained herein, shall be permitted in all residential zoning districts which do not expressly prohibit the conduct of business, commercial or industrial activities.

B. A home occupation shall be defined as the conduct of a business or commercial enterprise in the home. This shall not include activities in the home which are clearly incidental to occupations or commercial or business enterprises which are conducted primarily outside the home.

C. Home occupations conducted within the city shall be clearly incidental and secondary to the use of the residence for residential purposes and shall not change the character thereof. When permitted, home occupations shall be conducted in accordance with the following provisions unless specific restrictions are contained within the individual residential zoning district:

1. No person other than members of the family residing on the premises shall be engaged in such home occupation.
2. There shall be no display of goods, machinery, equipment or any performance of work visible or audible from any street or adjoining property, nor shall there be any sign visible from the street or adjoining property identifying or providing any information of any nature regarding the home occupation.
3. No home occupation shall occupy an area greater than twenty (20) percent or three hundred (300) square feet, whichever is less, of the floor area of the residence. No home occupation shall be conducted in any accessory building; such occupation shall be conducted in the main residence. No more than one (1) home occupation shall be permitted within any single dwelling unit.
4. No motor power other than electric motors shall be used in conjunction with such home occupations. The total horsepower of such motor shall not exceed three (3) horsepower, or one (1) horsepower for any single motor.
5. No equipment or process shall be used in such home occupation which creates noise, vibration, glare or any fumes, odors, or electrical interference detectable to the normal senses off the lot. Electrical interference shall be that which causes interference in any radio or in any television receivers off the premises or causes fluctuations in line voltage off the premises.
6. No home occupation shall generate or attract traffic to a residence in excess of the average trip generation rate for the applicable type of dwelling unit according to the latest edition of "Trip Generation", published by the Institute of Transportation Engineers.

D. The home occupation known as family day care home, as defined in F.S. § 402.302(5), shall be permitted upon the operator of the family day care home providing evidence of compliance with all provisions set forth in F.S. § 402.301 et seq., and compliance with any requirements set forth in the Florida Statutes or the Florida Administrative Code. If the operator does not provide evidence of compliance, the use shall not be deemed to be permitted in the zoning district.

E. Home occupations shall exclude physicians, dentists, welding or machine shops, minor or major auto repair, painting of vehicles, trailers, or boats, as well as barbershops, beauty parlors, dining facilities, animal hospitals, group dancing and singing, band instructions, retail stores, and clairvoyants.

F. A person desiring to conduct a home occupation shall first apply to the city and shall include the following information:

1. Name of applicant;
2. Location of residence wherein the home occupation, if approved, will be conducted;
3. Total square footage to be utilized in the conduct of the home occupation; and floor plan of the house;
4. The nature of the home occupation sought to be approved;
5. The days and hours of operation.

G. Upon compliance with the foregoing procedure and after payment of an application fee as set forth in the fee schedule and reviewed by the chief building official, and any other appropriate entity that the city manager deems necessary, the city shall issue a license for the home occupation. The city shall have the right to revoke any home occupation license for noncompliance with any regulation within this section.

(Ord. No. 2015-09, § 2(Exh. A), 9-21-2015)

DIVISION 45. - MOTOR FUEL PUMPS

Sec. 15-4510. - Special regulations for gasoline stations (auto service stations).

A. Any gasoline station (auto service stations) that offers motor fuel or sale at retail to the public must be equipped with an alternative means of power generation on site so that the station's fuel pumps may be operated in the event of a power outage. The alternative means of power generation must be maintained and kept fully operational at all times and the gasoline station must be capable of pumping motor fuel immediately following a loss of power to one hundred (100) percent of the pumps.

B. Subsection A. applies immediately to any newly constructed gasoline station for which a certificate of occupancy is issued on or after June 1, 2006. A gasoline station that obtained a certificate of occupancy before June 1, 2006, shall have until June 1, 2006, to comply with the requirements of subsection A.

C. Gasoline stations shall conform to all other applicable regulations including taking steps to reduce noise generated from the alternative means of power generation.

D. Any building permits required under this section shall receive an expedited review process and building permit fees shall be waived.

E. A violation of subsection A. will result in a five hundred dollar ($500.00) per day fine per pump.

(Ord. No. 2015-09, § 2(Exh. A), 9-21-2015)

DIVISION 50. - AIRCRAFT

Sec. 15-5010. - Permit required.

It shall be unlawful for any person to land a helicopter within the corporate limits of the city without approval as hereinafter provided.

(Ord. No. 2015-09, § 2(Exh. A), 9-21-2015)

Sec. 15-5020. - Application for permit; exception.

A. Any person seeking approval to locate a helistop landing area within the corporate limits of the city shall file an application in writing on a petition for a special exception as provided in article 60 of this chapter. It is hereby specifically and expressly provided that an application for helistop landing area is presumed to be incompatible with adjacent zoning, land uses and development unless an applicant can clearly establish otherwise to the satisfaction of the city commission, and further provided that the applicant can demonstrate a compelling need or community benefit for such use to the satisfaction of the city commission. Such application shall contain the following additional information:
   1. Exact location of landing area;
   2. Name and mailing address of applicant;
   3. Hours of operation and frequency of landing;
   4. Estimated daily arrivals and departures;
   5. Reason for establishment of helistop landing area, specifying the nature of the service or business for which helicopters are to be used;
   6. Analysis demonstrating that the safety and compatibility of the proposed landing area and helicopter operations with abutting and nearby areas of the city.
   7. Any other information applicable to the subject request and having a bearing as its justification and approval;
   8. Applicable fees must be paid at the time of the application submittal.

B. Any person seeking approval to land a helicopter at a construction site within the corporate limits of the city may obtain temporary authorization to land at said site from the city manager without the necessity of filing an application pursuant to section 15-5020, Application for permit; exception. Said approval shall be conditioned upon the construction site being safe for landing purposes and landings shall be permitted only between the hours of 8:00 a.m. and 6:00 p.m.

(Ord. No. 2015-09, § 2(Exh. A), 9-21-2015)

Sec. 15-5030. - Exemptions for certain helicopters.

This article shall not apply to helicopters landing within the city limits in case of a valid emergency landing required to preserve life or property, or to duly authorized law enforcement officers landing a helicopter during the conduct of official business, or to helicopters operated by government or quasi-government agencies landing within the city limits pursuant to written authorization by the city manager; provided that government and quasi-government agencies are required to provide the information specified in section 15-5020, application for permit; exception, and hold the city harmless from liability, whenever landing helicopters in the city under authorization from the city manager.

(Ord. No. 2015-09, § 2(Exh. A), 9-21-2015)

Sec. 15-5040. - Temporary landing permit.

Any person who wishes to land a helicopter within the city on a temporary, nonemergency basis must apply in writing to the city manager, and must provide the information specified in section 15-5020, application for permit; exception. The city manager shall place the application on the agenda for city commission approval. Approval may be granted by the commission only upon a clear showing that the public health, safety and welfare are served thereby. City or city-sponsored events shall be exempt from this requirement.

(Ord. No. 2015-09, § 2(Exh. A), 9-21-2015)

Sec. 15-5050. - Penalty.

Any person who shall violate any provisions of this article or fail or comply therewith or with any of the requirements thereof shall, upon conviction thereof, be subject to a fine not to exceed five hundred dollars ($500.00) or by imprisonment not exceeding ninety (90) days, or by both such fine and imprisonment, and each landing and each takeoff that occurs in violation of this article shall constitute a separate offense.

(Ord. No. 2015-09, § 2(Exh. A), 9-21-2015)

DIVISION 55. - ACCESSORY USES AND STRUCTURES

Sec. 15-5510. - Generally.

A. Accessory buildings and structures shall comply with the setback and other restrictions for the district in which they are located, except as otherwise provided in this division.

B. No accessory building or structure shall exceed two (2) stories or twenty-five (25) feet in height.

C. A building permit for construction of an accessory building or structure other than a fence or wall shall not be issued prior to the issuance of a building permit for the principal building. A certificate of occupancy or certificate of completion, whichever is applicable, shall not be issued for an accessory building or structure prior to the issuance of a certificate of occupancy for the principal building.

D. No accessory building may be located so as to block fire and emergency vehicles from reaching any portion of a principal structure and shall be located a minimum of ten (10) feet from a principal structure.

E. No accessory structure shall be placed within a utility or drainage easement without the written approval of the city engineer and all agencies having a right to the easement.

F. Accessory buildings and structures shall not contain indoor kitchens or cooking facilities unless otherwise provided herein, nor be utilized for lodging purposes.

(Ord. No. 2015-09, § 2(Exh. A), 9-21-2015)

Sec. 15-5520. - Docks and wharves.

Dockage space and facilities for mooring pleasure boats and noncommercial watercraft shall be permitted in any zoning district on any waterway as an accessory use to the use of the adjacent property.

(Ord. No. 2015-09, § 2(Exh. A), 9-21-2015)

Sec. 15-5530. - Pools, decks, screen enclosures, porches and terraces.

In residential districts, the location of accessory swimming pools, spas, screen enclosures, porches, decks, and terraces shall be subject to the following regulations:

A. *Applicability.* For the purposes of this section, the term "swimming pool" shall mean a body of water eighteen (18) or more inches in depth in an artificial or semi-artificial receptacle or other container, whether located indoors or outdoors, used or intended to be used for public, semipublic or private swimming by adults and/or children, whether or not any charge or fee is imposed under such adults or children, operated and maintained by any person, firm, partnership, association, corporation or any organization of any kind, whether an owner, lessee, operator, licensee or concessionaire.

B. *Roofed or enclosed pools.* Any part of a pool which is covered by a roof or enclosed by side walls over five (5) feet in height shall be subject to the limitations on the location of a building or structure and shall not be placed in any required front yard.

C. *Measurement.* For the purposes of regulating location, the minimum distance requirement from a lot line shall be measured from the exterior of the screen enclosure of a screen-enclosed pool and outer edge of a pool deck, patios, porches, and terraces and from the inner edge of waterline of the pool, waterfall or spa.

D. *Setback requirements.* Pools, spas, screen enclosures, pool decks, patios, porches and terraces shall be permitted in the required side yard or rear yard only and shall not be located less than the following distances from lot lines:

Zoning District	Pools and Spas (ft.)	Screen Enclosures, Pool Decks, Patios, Porches and Terraces (ft.)
A-1, BCA-1, AE-1, AE-2, BCE-1, RS-1	20 feet	15 feet
RS-2, RS-3, BCRS-3, RS-4	10 feet	7 feet
BCRM-5	5 feet	5 feet
RS-6	8 feet	Minimum of 10 feet between structures on side and rear yards

RM districts	25 feet	20 feet
PRD and PUD	As approved by city commission	

E. *Swimming pool enclosures.*

1. *Fence requirements.* No swimming pool constructed below grade shall be erected or constructed unless same be enclosed by a type of fence as follows:
   a. The fence shall take the form of a wooden fence, a wire fence, a rock fence, a concrete block wall, or other material finished in stucco or some other decorative finish, so as to enable the owner to blend the same with the style of architecture planned or in existence on the property. The minimum height of such fence shall not be less than four (4) feet and include self-closing and locking gates. A screened-in patio area completely enclosing the pool shall constitute compliance with this section of this regulation.
   b. The fence shall be erected so that it shall enclose the swimming pool area entirely, prohibiting unrestricted admittance to the enclosed area, except that along waterway plots, no such fence shall be required along the lot lines bounded by water.
   c. These regulations shall not apply to swimming pools operated in connection with any hotel, motel or other commercial ventures.
   d. Fences made of wood, wire, or rock shall not exceed a height of six (6) feet.
   e. Any person, firm or corporation desiring to erect such a pool and fence must first obtain a permit from the city before commencing construction.
2. *Application.* The requirement for enclosure of swimming pools as set forth herein shall not apply to all presently existing swimming pools.
3. *Exemptions.* Pools located in A-1, AE-1, and AE-2 zoning districts shall be exempt from the application of this subsection E. but shall comply with the pool enclosure requirements of the Florida Building Code.
4. *Penalty.* Violations of this subsection E. shall be punishable by a fine of five hundred dollars ($500.00) per incident. Each day a violation exists shall be considered a separate violation punishable by a separate fine.

(Ord. No. 2015-09, § 2(Exh. A), 9-21-2015)

Sec. 15-5540. - Game courts.

A game court shall be permitted on any residentially zoned property as long as the game court meets the required structure setbacks for that zoning district.

A. No game court shall be located within a front yard, between a principal residence or over or on top of any building. No person shall construct a game court on a pad that is not level.
B. No game court fence shall exceed ten (10) feet in height.
C. No game court lighting shall exceed fifteen (15) feet in height or create a glare on adjacent property, provided that the height of such lighting may be increased to twenty-two (22) feet if the light poles are set back at least twice the minimum requirement in the district or seventy-five (75) feet, whichever is greater, or if trees and/or an intervening structure completely screen the light fixtures from the view of persons on adjoining single-family residential lots, whether viewed from outside or viewed from inside the dwelling unit. The combination of tree species used for such screening must have typical growth habits that would achieve adequate height and foliage coverage to fully screen the light fixtures within two (2) years of planting, and maintain full screening when mature, as certified by a licensed arborist, urban forester or landscape architect, and confirmed by city's landscaping expert. All game courts, game court fences and game court lighting standards shall be engineered to withstand the wind load and soil conditions required by the Florida Building Code, as amended from time to time.

(Ord. No. 2015-09, § 2(Exh. A), 9-21-2015)

Sec. 15-5550. - Guest houses.

Guest houses are permitted as accessory uses to a single-family detached dwelling in residential zoning districts, subject to the following regulations.

A. A guesthouse shall not be permitted on lots smaller than thirty-five thousand (35,000) square feet in area.
B. Guest homes shall not exceed twelve hundred (1,200) square feet of floor area.
C. Only one (1) guesthouse shall be permitted per lot, and it may not be rented, leased or sold separately from the overall property. A guesthouse shall not contain, nor be designed to contain, a stove or range, a dishwasher, or more than one (1) refrigerator.
D. Portable cooking equipment such as a microwave and toaster oven are not considered to be a range or cook stove. In no event shall a guesthouse be considered a dwelling unit, as defined herein. A guesthouse shall not have a separate mailing address or electrical meter.

(Ord. No. 2015-09, § 2(Exh. A), 9-21-2015)

DIVISION 60. - FENCES, WALLS AND HEDGES

Sec. 15-6010. - Applicability.

This division establishes maximum fence, wall and hedge heights, and other restrictions. Minimum fencing standards for pools are established in section 15-5530, pools, decks, screen enclosures, porches and terraces, and minimum screening requirements for bufferyards are established in article 95, division 15, landscaping requirements for all new and existing residential and nonresidential uses.

(Ord. No. 2015-09, § 2(Exh. A), 9-21-2015)

Sec. 15-6020. - Fence and wall height.

The maximum permitted height of fences and walls within a required yard is six (6) feet, except as follows:

A. Within or adjacent to a nonresidentially zoned property, the fence or wall may be up to eight (8) feet in height.

B. Adjacent to a lot zoned A-1, BCA-1, AE-1 or AE-2, the fence or wall may be up to eight (8) feet in height.

C. In RS-1, RS-2, RS-2.5, RS-3, BCRS-3 and RS-4 districts, the maximum height of a fence or wall in a front yard is four (4) feet.

D. In any residential district, no fence or wall shall exceed two (2) feet in height above the street grade nearest thereto within ten (10) feet of the intersection of any street lines or a driveway and a street line.

(Ord. No. 2015-09, § 2(Exh. A), 9-21-2015)

Sec. 15-6030. - Hedge height.

The maximum permitted height of a hedge within a required yard is ten (10) feet, except as follows:

A. Within or adjacent to a non-residentially zoned lot, a hedge may be up to twelve (12) feet in height.

B. Within a residentially zoned lot in excess of one (1) acre in size, a hedge may be up to twelve (12) feet in height.

C. On a residentially zoned lot where the yard is adjacent to a trafficway or collector roadway, a hedge may be up to twelve (12) feet in height.

D. In any residential district, no hedge shall exceed two (2) feet in height above the street grade nearest thereto within ten (10) feet of the intersection of any street lines or a driveway and a street line.

(Ord. No. 2015-09, § 2(Exh. A), 9-21-2015)

Sec. 15-6040. - Generally.

A. Fence, wall and hedge height shall be measured from the finished grade of the property upon which the fence, wall or hedge is to be installed or the centerline elevation of any abutting street, whichever is higher. Decorative lighting mounted on posts as an integral part of any fence or wall shall not be counted in determining fence height.

B. Fences and walls shall be maintained in good repair, in compliance with section 20-120, proper maintenance required. Hedges shall be maintained in good condition in compliance with section 95-1545, installation, maintenance and materials.

C. No fence, wall or hedge shall encroach upon a public right-of-way without the owner of the abutting property first obtaining a right-of-way occupancy permit from the city. It is the policy of the city that fences, walls and hedges generally not be permitted to encroach upon public rights-of-way. In the event that the city authorizes such an encroachment to an abutting property owner, the property owner shall enter into an agreement with the city that is deemed acceptable by the city attorney, indemnifying the city and acknowledging the city's right to remove all or part of the fence, wall or hedge at any time without compensation to the property owner.

D. No fence, wall or hedge shall encroach upon a private street easement, reservation or right-of-way unless authorized by the applicable property owner's association or equivalent, and approved by the city as a site plan amendment. It is the policy of the city that fences and walls generally not be permitted to encroach upon a private street easement, reservation or right-of-way except as necessary for community entrance features, community entrance gates, and as otherwise deemed by the city commission to be in the interest of the applicable community and the public.

(Ord. No. 2015-09, § 2(Exh. A), 9-21-2015)

DIVISION 64. - DISTANCE SEPARATION REQUIREMENTS FOR ALCOHOL BEVERAGE ESTABLISHMENTS, BUSINESSES, AND SERVICES

Sec. 15-6410. - Definitions.

The following definitions shall be applicable to division 64 of this code.

Alcoholic beverages means all beverages containing more than one-half (½) of one (1) percent of alcohol by weight, including beer and wine.

Alcoholic beverage retail sales establishment means any establishment engaged in the business of selling alcoholic beverages for off-premises consumption that has a license for package sales from the state division of beverages and tobacco.

Alcoholic beverage establishment means any bar, lounge, saloon, bottle club, nightclub, private club, package store or any place or premises, other than a private residence or a full service restaurant, where alcoholic beverages are sold or dispensed for consumption by customers, patrons or members on the premises. Establishments which provide only snack foods or prepackaged foods incidental to consumption of alcoholic beverages on the premises shall be considered alcoholic beverage establishments.

Child care center means any child care facility of any capacity, other than a family child care home, in which less than twenty-four-hour per day nonmedical care and supervision are provided to children in a group setting.

Grocery store means an establishment primarily selling groceries and household dry goods and having at least thirty thousand (30,000) square feet of gross floor area; and, possessing a license for package sales issued by the state division of beverages and tobacco for alcoholic beverage consumption off-premises only.

Restaurant, full service, means an establishment where food and beverages are ordered from a menu prepared and served for pay, for consumption on the premises. Such establishment shall also have full kitchen facilities and shall only serve alcoholic beverages during the time the kitchen facilities are operating for service of customers.

School means an organization of pupils for instructional purposes on a kindergarten, elementary or secondary level, whether public and private.

Collectively, alcoholic beverage retail sales establishment and alcoholic beverage establishment may be referred to as restricted uses.

(Ord. No. 2020-002, § 2, 9-14-2020)

Sec. 15-6420. - Distance separation.

Specific distances are required between restricted uses and schools; restricted uses and places of worship; restricted uses and other restricted uses; and, restricted uses and child care centers. Minimum distance separations required by this chapter shall be measured in a straight line, using the shortest airline distance between two (2) or more locations being measured.

(a) Restricted uses, inter-business distances. No restricted use may be located within six hundred (600) feet of another restricted use.

(b) Place of worship, child care center, or school distances. No restricted use may be located within one thousand (1,000) feet of a place of worship, child care center, or school or property owned by a place of worship, child care center, or school and designated for use as a place of worship, child care center, or school.

(c) Existing restricted uses. Nothing contained in this section shall be construed as preventing the renewal, continued and uninterrupted use or transfer of ownership of any current licenses issued in full compliance with all laws, ordinances or regulations applicable at the time of the original license issuance; but such licenses shall be subject to the restrictions contained in the zoning ordinance of the city. Whenever a license has been lawfully procured and thereafter a school, a place of worship, or a child care center locates within the restricted distance, such acquisition or construction shall not have cause for the revocation, renewal or transfer of ownership of alcoholic beverage licenses, provided said use is not abandoned as provided for in the land development code.

(d) Exception. The following shall be exempt from restricted use distance separation requirements of this section:

(1) Full service restaurants and grocery stores, as defined in this division of the code.

(2) Bowling alley, lodges and social clubs, golf clubs. Bowling allies, lodges and social clubs, tennis clubs, and golf clubs that are licensed pursuant to F.S. § 561.20 and F.S. § 565.02.

(3) Off-premises beer establishments. Any establishments licensed only for beer sales pursuant to F.S. § 563.02 with consumption off the premises.

Appeals. Any person, whose application has been denied, as provided in this article shall have the right to request an appeal hearing. Such hearing shall be governed in accordance with section 5-4013, appeals.

(Ord. No. 2020-002, § 2, 9-14-2020)

DIVISION 65. - PAIN MANAGEMENT CLINICS

Sec. 15-6510. - Requirements and restrictions.

The following supplemental regulations shall apply to "pain management clinics" and "pharmacies", as each is defined in section 5-3530, terms defined.

A. No business approved as a special exception under this subsection shall limit the form of payment for services or prescriptions to cash only.

B. In the event the business applying for approval under this subsection does not accept insurance reimbursement, it must state the reason for such policy in its and the failure of any business to accept insurance, Medicare or Medicaid reimbursements shall be considered by the planning and zoning board and city com making its decision as to the appropriateness of granting a special exception application.

C. The application for special exception shall disclose in detail the owners and operators of the facility, and shall be required to update the owner/operator information annually at the time of renewal of the business tax receipt for the business, or at any time that there is a change of owner, operator or physician of record pursuant to F.S. § 458.3265 or 459.0137, as amended.

D. The applicant shall provide to the City of Parkland proof of registration with the Florida Department of Health, pursuant to F.S. § 459.3265 or 459.0137, as amended, prior to the issuance of a business tax receipt for the business. If the registration of a pain management clinic or any other uses that are not associated with hospitals which dispense controlled substances identified in Schedule II, III, or IV in F.S. § 893.03, 893.035, or 893.0355 is revoked or suspended by the Florida Department of Health, the city's business tax receipt shall be revoked automatically, and shall not be subject to the provisions of subsection I. of this subsection.

E. The application for a pain management clinics or any other uses that are not associated with hospitals which dispense controlled substances identified in Schedule II, III, or IV in F.S. § 893.03, 893.035, or 893.0355 shall include an affidavit by the owner or the physician of record pursuant to F.S. § 458.3265 or 459.0137, as amended, attesting to the fact that no employee of the business, nor any independent contractor or volunteer having regular contact with customers of the business, has been convicted of a drug-related felony within the five-year period prior to the date of the application, and that the business shall not employ or allow any such convicted employee, independent contractor, or volunteer on the premises thereafter.

F. The business shall not be owned in whole or in part by any person who has been convicted of or who has pled guilty or nolo contendere to any felony in this state or in any other state within the five-year period prior to the date of application for a special exception use. However, in no event shall the business be owned in whole or in part by any person who has been convicted of or who has pled guilty or nolo contendere at any time to an offense constituting a felony in this state or in any other state involving the prescribing, dispensing, supplying or selling of any controlled substance.

G. Pain management clinics or any other uses that are not associated with hospitals which dispense controlled substances identified in Schedule II, III, or IV in F.S. § 893.03, 893.035, or 893.0355 shall be limited to the hours of operation between 9:00 a.m. and 9:00 p.m., Monday through Saturday.

H. Pain management clinics or any other uses that are not associated with hospitals which dispense controlled substances identified in Schedule II, III, or IV in F.S. § 893.03, 893.035, or 893.0355 shall post the required business tax receipt in a conspicuous location at or near the entrance of the facility so that it may be easily read at any time.

I. No pain management clinics or any other uses that are not associated with hospitals which dispense controlled substances identified in Schedule II, III, or IV in F.S. § 893.03, 893.035, or 893.0355 shall be permitted to be located within one thousand two hundred (1,200) feet of another pain management clinic; within one thousand two hundred (1,200) feet any other use that is not associated with hospitals which dispense controlled substances identified in Schedule II, III, or IV in F.S. § 893.03, 893.035, or 893.0355; or within one thousand two hundred (1,200) feet of a place of worship, child care center, or school. The applicant shall furnish a certified survey to the city at the time of application for a special exception use and prior to the issuance of a business tax receipt for the business. Said survey shall be prepared by a registered land surveyor in the State of Florida, indicating the distance in linear feet between the proposed pain management clinic or any other uses that are not associated with hospitals which dispense controlled substances identified in Schedule II, III, or IV in F.S. § 893.03, 893.035, or 893.0355 and another pain management clinics or any other uses that are not associated with hospitals which dispense controlled substances identified in Schedule II, III, or IV in F.S. § 893.03, 893.035, or 893.0355 measured from the nearest point of one (1) facility to the nearest point of the other facility in a straight line.

J. Pain management clinics or any other uses that are not associated with hospitals which dispense controlled substances identified in Schedule II, III, or IV in F.S. § 893.03, 893.035, or 893.0355 shall provide a minimum of one (1) parking space per ten (10) gross square feet of customer waiting area, including the lobby and seating area. The business shall also provide a minimum of one (1) parking space per one hundred fifty (150) gross square feet of the remainder of the building.

K. Pain management clinics or any other uses that are not associated with hospitals which dispense controlled substances identified in Schedule II, III, or IV in F.S. § 893.03, 893.035, or 893.0355 are prohibited from having any outdoor seating areas, queues, or customer waiting areas. All activities of the pain management clinic or any other uses that are not associated with hospitals which dispense such controlled substances, including sale, display, preparation, and storage, shall be conducted entirely within a completely enclosed building.

L. If any time the city determines that a pain management clinic or any other uses that are not associated with hospitals which dispense controlled substances identified in Schedule II, III, or IV in F.S. § 893.03, 893.035, or 893.0355 is operating in any manner that is inconsistent with, or contrary to, the provisions of this chapter or any other applicable code or statute, the city may revoke the business tax receipt.

M. No business operating under a special exception under this subsection shall be owned, either in whole, or in part, or have any contractual relationship, whether through employment or by independent contract, with a physician who, within the five-year period prior to the date of application for a special exception or at any time after application for a special exception under this subsection, has been denied the privilege of prescribing, dispensing, administering, supplying or selling any controlled substance or who has, within the five-year period prior to the date of application for a special exception under this subsection or at any time after application for a special exception under this subsection, had any state medical board action taken against his or her medical license as a result of dependency on drugs or alcohol.

N. The business shall be operated by a medical director who is a Florida-licensed physician.

O. Any business approved as a special exception under this subsection shall maintain the appropriate diagnostic equipment to diagnose and treat patients complaining of chronic pain.

P. Any business seeking approval as a special exception under this subsection shall be required to file with its special exception application a natural disaster management plan. The natural disaster management plan shall be updated annually as part of the business tax renewal process.

Q. Any business seeking approval as a special exception under this subsection shall be required to file with its special exception application a floor plan showing the location and adequate security for protection of any controlled substance to be dispensed in the course of business.

(Ord. No. 2015-09, § 2(Exh. A), 9-21-2015)

DIVISION 70. - RENEWABLE ENERGY SYSTEMS

Sec. 15-7010. - Renewable energy systems.

A. *Setbacks.* Renewable energy systems shall meet the setbacks for the zoning district in which they are proposed to be located within.

B. *Landscaping.* Renewable energy system shall be screened from adjacent properties and rights-of-way.

C. *Height limitations.* Renewable energy systems shall not exceed the maximum height permitted in the zoning district in which they are proposed to be located within.

D. *Permit required.* A building permit shall be required prior to the installation of a renewable energy system.

(Ord. No. 2015-09, § 2(Exh. A), 9-21-2015)

DIVISION 75. - SALE OR DISPLAY OF MERCHANDISE

Sec. 15-7510. - Sale or display of merchandise.

The use of any land, structure, vehicle or conveyance for the sale of any item, or display of any item that is offered for sale, shall be deemed a prohibited use except where a site plan has been approved by the city commission for such use in a location authorized in this chapter. Under no circumstances shall city right-of-way be utilized for the sale of any item, or display of any item that is offered for sale unless authorized by special event permit pursuant to article 65, special events permit procedure. This section shall not apply to door-to-door solicitors and peddlers regulated under chapter 12 of the Code of Ordinances.

(Ord. No. 2015-09, § 2(Exh. A), 9-21-2015)

DIVISION 80. - MEDICAL MARIJUANA DISPENSARIES

Footnotes:
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***Editor's note—** Sec. 3 of Ord. No. 2017-11, adopted Nov. 1, 2017, amended div. 80 in its entirety to read as herein set out. Former div. 80 pertained to the same subject matter, consisted of §§ 15-8010—15-8070, and derived from Ord. No. 2016-21, adopted Jan. 4, 2017.*

Sec. 15-8010. - Definitions.

Medical marijuana means all parts of any plant of the genus Cannabis, whether growing or not; the seeds thereof; the resin or oil extracted from any part of the plant; and every compound, manufacture, sale, derivative, mixture, or preparation of the plant or its seeds or resin, including low-THC cannabis, that are dispensed from a state licensed facility for medical use by a qualified patient.

Medical marijuana dispensary means a retail establishment, licensed by the Florida Department of Health as a "medical marijuana treatment facility," "medical marijuana treatment center," "dispensing organization," "dispensing organization facility" or similar use, that sells and dispenses medical marijuana.

(Ord. No. 2017-11, § 3, 11-1-2017)

Sec. 15-8020. - Prohibition.

In accordance with F.S. § 381.986, it is hereby expressly provided that medical marijuana dispensaries are prohibited within the city in each and every zoning district.

(Ord. No. 2017-11, § 3, 11-1-2017)

ARTICLE 20. - GENERAL PROVISIONS

Sec. 20-10. - No reduction of required area.

No plot, yard, setback, clearance, parking area or other space shall be reduced in area or dimension so as to make said area or dimension less than the minimum required by this chapter; if such plot, yard, setback, clearance, parking area or other space is already less than the minimum required by this chapter for a new building or use, said area or dimension shall not be further reduced. No part of a required yard, setback, clearance, parking area or other space provided about or for any building, structure or use for the purpose of complying with the provisions of this chapter, shall be included as part of a yard, setback, clearance, parking area or other space required under this chapter for another building, structure or use unless specifically permitted by the terms of this chapter.

(Ord. No. 2015-09, § 2(Exh. A), 9-21-2015)

Sec. 20-20. - Required residential building separation.

Where two (2) or more separate buildings for dwelling purposes are erected or placed on the same plot, minimum front, side and rear yards shall be provided as required by this chapter. The spacing, arrangement and distance between buildings on the lot shall provide a separation between any two (2) such buildings not less than the height of the higher of the two (2) buildings, but in no instance less than a minimum of twenty-five (25) feet.

(Ord. No. 2015-09, § 2(Exh. A), 9-21-2015)

Sec. 20-30. - Yard encroachments.

A. Every part of every required yard shall be open and unobstructed from the ground to the sky except as provided in this section and as otherwise permitted in this chapter. The exceptions enumerated in this section are intended to apply generally, and shall be superseded by district regulations that are more restrictive.
    1. Sills or belt courses may not project over twelve (12) inches into a required yard; and cornices, eaves, gutters, chimneys, fireplaces, bay windows and pilasters may not project over two (2) feet into a required yard or fifteen (15) percent of required yard depth, whichever is greater.
    2. Movable awnings may be placed over doors and windows in any required yard, but no awning shall be vertically or otherwise ground supported. Awnings, hoods, canopies or marquees may not project over one-third (⅓) of the required yard, with a maximum of eight (8) feet.
    3. Gasoline pump stations and canopies for pump islands may project into a required yard but in no case shall be located within fifty (50) feet of a property line or within fifty (50) feet from the street line of a trafficway. No gasoline pump stations shall be located within two hundred (200) feet of residentially zoned property.
    4. Fire escapes, stairways and balconies which are unroofed and unenclosed may project up to five (5) feet into a required yard.
    5. Fences, walls and hedges as otherwise permitted in this chapter shall be permitted in required yards.
    6. Permanent emergency power generators, pool pumps and filters, irrigations pumps, and air conditioning units are permitted in the required rear and side yards, subject to the following restrictions:
        a. The property owner must obtain a building permit from the city for the installation of the permanent emergency power generator, air conditioning unit and aboveground or underground fuel tank. The building department and fire department shall review all such permit applications to ensure that such installation minimizes the visual and acoustic impact on adjacent property and the city engineer and the zoning department shall review all such permit applications to ensure that all engineering issues and setbacks are met consistent with the provisions of this section. Additionally, the sound of the operation of any emergency use generator and air conditioning unit shall meet the requirements of article IV of this chapter.
        b. The permanent emergency power generator and air conditioning unit shall be located no closer than three (3) feet from any property line for any lot that is part of a site plan approved by the city commission on or after January 1, 2018.
        c. For any lot that was part of a site plan approved by the city commission prior to January 1, 2018, the permanent emergency power generator and air conditioning unit may have no minimum setback from the property line.
        d. For any lot that was part of a site plan approved by the city commission prior to January 1, 2018, but for which a building permit has not been issued prior to that date, the following regulations shall apply:
            1. Head to head placement of equipment on contiguous lots shall be prohibited.
            2. There shall be a minimum front to back separation of ten (10) feet between units for limited situations that require placement within adjoining side yards. Approval is required by the city engineer to pair units and must show justification of need.
            3. Proper swales and necessary slopes shall be developed, as approved by the city engineer, to ensure adequate drainage.
            4. Air conditioning pads shall be located on or near the high points of the side yards to allow for adequate drainage.
            5. Side yard fences shall be located no closer than five (5) feet behind the rear-most air conditioning pad for situations that require placement within adjoining side yards.

e. The permanent emergency power generator's maintenance cycle run shall only be permitted between the hours of 10:00 a.m. and 6:00 p.m., Monday through Sunday, and shall continue for no more than thirty (30) minutes per cycle.

f. Permanent emergency power generators may only be operated for non-maintenance purposes when a state of emergency has been declared by the city or whenever there is a power outage.

g. All aboveground tanks shall be attached to the primary structure in accordance with the National Fire Code (NFPA 58), as amended.

h. Underground fuel tanks that have a capacity of twenty thousand (20,000) gallons or less shall be located in accordance with NFPA 58, as amended. A buildable lot line shall be defined as the setback to a primary and accessory residential unit, screen enclosure and/or shed, whichever setback is closest to the property line.

i. Any tank filled on site must be located so that the filling connection and fixed liquid level gauge are at least ten (10) feet from any external sources of ignition (i.e., open flame, window air conditioner, compressor, etc.) or direct vent or mechanical ventilation.

j. All aboveground equipment must be screened from view from adjacent streets. This screening may include fencing, hedging, or walls with shrubs.

k. A carbon monoxide detector shall be located within the structure, as determined appropriate by the fire department and/or building department.

7. Light poles are permitted within required yards, subject to a height limit of ten (10) feet within any lot occupied by a single-family attached or detached dwelling, duplex or townhouse. Light poles within required setbacks on lots occupied by multiple-family residential dwellings or nonresidential uses shall not exceed a height of one (1) foot for each one (1) foot of setback from any common property line with a lot that is occupied by, or zoned to permit a single-family, duplex or townhouse dwelling. The height limitation shall not apply when the yard abuts a lot that has been developed for a use other than a single-family, duplex or townhouse dwelling, or a lot that cannot be developed for such use, including but not limited to planned development common area parcels, streets and water bodies.

8. Landscaping is permitted in all required yards. Hardscape elements that are integrated within, and comprise not more than twenty (20) percent of a contiguous landscaped area, including but not limited to benches, fountains, waterfalls, decorative wells, and boulders are permitted in required yards. In single-family residential zoning districts, hardscape elements in any required yard that abuts a street are subject to a minimum setback of fifteen (15) feet. All hardscape elements within a required yard in a single-family residential zoning district are limited to four (4) feet in height.

9. Signs are permitted in required yards, subject to the setback requirements in article 100, signage.

10. Driveways, surface parking spaces and loading areas unless otherwise specified.

11. Walkways of up to three (3) feet in width accessory to a single-family residence, duplex or townhome, and up to eight (8) feet in width in all other districts are permitted within a required yard, provided that it is separated from any property line by a landscaped, pervious area that is equal or greater than the width of the walkway.

12. Utility boxes and transformers.

13. Mailboxes upon lots occupied by a single-family, duplex or townhouse dwelling.

(Ord. No. 2015-09, § 2(Exh. A), 9-21-2015; Ord. No. 2018-003, § 2, 3-21-2018)

Sec. 20-40. - Exclusions from height limits.

A. The following rooftop structures may exceed the permissible height limit in any district to a maximum of twenty-five (25) percent of the maximum allowable height:

1. Penthouses, scenery lofts, stairs, equipment towers, cupolas, steeples and domes, the maximum gross area of the horizontal section of which does not exceed twenty-five (25) percent of the roof area; and

2. Rooftop chimneys, stacks, tanks, and roof structures used only for ornamental and/or mechanical purposes. Parapet walls may not extend more than forty-eight (48) inches above the allowable height of a building.

B. Antennas are subject to the height regulations in section 15-3510, special regulations for antennas and satellite dish antennas.

C. Flagpoles are subject to the height regulations in section 100-590, flagpoles and flags in all districts.

(Ord. No. 2015-09, § 2(Exh. A), 9-21-2015)

Sec. 20-50. - Use of residentially zoned property for access.

No residentially zoned land shall be used for driveway or vehicular access purposes to any nonresidentially zoned land or any land used for nonresidential purposes.

(Ord. No. 2015-09, § 2(Exh. A), 9-21-2015)

Sec. 20-60. - Public utilities.

Accessory utilities necessary to the public health and convenience, such as gas, electric and telephone lines, equipment and mains and water and sewer lift stations and wells, may be located in any district.

(Ord. No. 2015-09, § 2(Exh. A), 9-21-2015)

Sec. 20-70. - Nuisances.

Nothing shall be permitted or maintained in any district which shall in any way be offensive or obnoxious to a person of ordinary sensibilities by reason of the emission of odors, gases, dust, smoke, vibration or noise; nor shall anything be constructed or maintained in any district which would in any way constitute an eyesore or nuisance to adjacent property owners or residents or to the community.

(Ord. No. 2015-09, § 2(Exh. A), 9-21-2015)

Sec. 20-80. - Nuisance abatement.

A. *Nuisance declared.* It is hereby declared and determined by the city commission that the following shall each individually, or in any combination, be considered nuisances when they exist upon a lot in the city: (1) Accumulations of waste, yard trash, rubble, and debris to an extent which poses a threat to the public health and safety or which constitutes an eyesore; (2) Grass, weeds and underbrush greater than:
    1. Six (6) inches in height on developed lots;
    2. Twelve (12) inches in height on all properties; except a parcel determined to be a pasture shall be maintained such that grass, weeds and underbrush do not exceed twenty-four (24) inches. A pasture is land that is used for grazing livestock.
    3. Noxious vegetation, which includes plant species that are classified as undesirable, noxious, exotic, injurious, or poisonous, pursuant to federal, state or county law.
    4. Vegetation on developed or undeveloped property that creates a danger to public health, safety and welfare by creating a fire hazard; by providing a nesting, breeding or feeding area for sand flies, mosquitoes, rodents, snakes or other species of pests and vermin, or disease-bearing organisms; by impairing the vision of motorists or bicyclists or impeding pedestrians; or by adversely affecting the aesthetic appearance of the property upon which the vegetation is found and adjacent properties. Undeveloped property is land that may be improved and developed but is not currently in use. A natural area is exempt from this section however it shall be required to meet all requirements as identified in subsection (B)(3) below and is defined as an area in as near a natural condition as possible, which exemplifies typical or unique vegetation and associated biotic, soil, geological, and aquatic features.

B. *Nuisance to be abated.* The city commission further determines that the following nuisances shall be abated as follows:
    1. If the nuisance consists of accumulations of waste, yard trash, or rubble and debris, it shall be abated in its entirety.
    2. If the nuisance consists of grass, weeds, and underbrush on lots one-half (½) acre or less in size, the nuisance shall be abated in its entirety.
    3. Where a nuisance consists of grass, weeds, and underbrush and is located upon a lot greater than one-half (½) acre in size, only so much of the nuisance shall be abated as lies within one hundred (100) feet of the public right-of-way and within ten (10) feet of the boundary of an adjacent property.
    4. If the nuisance consists of noxious vegetation on undeveloped lots adjacent to developed lots, it shall be cleared in its entirety if the lot is one-half (½) acre or less.
    5. If the lot is greater than one-half (½) acre in size, only so much of the nuisance shall be abated as lies within one hundred (100) feet of the boundary of an adjacent property that is developed and within sixty (60) feet of a public right-of-way.
    6. If the nuisance consists of dangerous vegetation, the nuisance shall be abated so as to afford a clear, unobstructed view and safe pedestrian access.

C. *Procedure for enforcement.* The city shall enforce this requirement as set forth in chapter 2, article IV, division 4 of the City of Parkland Code of Ordinances, through a notice to appear in county court, or through action in circuit court to abate the nuisance at the city's option.

(Ord. No. 2015-09, § 2(Exh. A), 9-21-2015)

Sec. 20-90. - Storage of equipment, materials and supplies; garbage and refuse.

A. In all business, commercial and industrial districts, the storage of equipment (other than motor vehicles), materials, and supplies shall be within an enclosed building. In all multifamily and nonresidential zoning districts, garbage and refuse shall be stored in containers and be stored only within a building or within an architectural enclosure sufficient in height and design to screen such containers from the public view. Vehicles which contain advertising copy or the name of a business enterprise (as calculated in the provisions of this Code related to signs) that is greater than five (5) percent of the size of the sum of the outside surface of the two (2) sides and rear of the vehicle, that vehicle shall be stored inside between the hours of 7:00 p.m. and 8:00 a.m.

B. No land which is zoned for residential use shall be used for the storage of building materials or construction equipment except when incidental to the construction operation for which a valid, active building permit has been issued.

(Ord. No. 2015-09, § 2(Exh. A), 9-21-2015)

Sec. 20-100. - Temporary buildings.

No temporary building except a construction trailer used solely for construction purposes shall be permitted within the city, except that a substandard temporary building or trailer, not for occupancy, to be used for model, display, demonstration and office purposes only in conjunction with the construction of a residential or nonresidential project, may be constructed if approved by the city commission. Any such temporary building shall be torn down and removed upon the completion and closing out of the project or, in the alternative, may be brought into compliance with the building code and all other applicable regulations and requirements.

(Ord. No. 2015-09, § 2(Exh. A), 9-21-2015)

Sec. 20-110. - Parking of junk vehicles.

A vehicle which is meant for on-road use (i.e., an automobile, truck, van, etc.) which is not in running condition and not having a current state license plate shall not be parked, placed or stored on private or public property except in a fully enclosed building.

(Ord. No. 2015-09, § 2(Exh. A), 9-21-2015)

Sec. 20-120. - Proper maintenance required.

All yards, walkways, driveways, parking areas and landscape areas shall be properly maintained and kept free of refuse and debris. The exteriors of all buildings, walls and fences shall be maintained in such a manner as to not be unsightly or present a hazardous condition. Any wall or fence shall be deemed unsightly, and in violation of this section, when any or all of the following conditions exist:

A. Sagging, broken, rotted, or defective support posts or other structural members.
B. Missing or broken fence boards.
C. Chipped, damaged or missing concrete from a masonry wall, including cracks of one (1) millimeter or more in width.
D. Substantial areas of deterioration including dry rot, broken or missing pieces of stucco, holes, or warped or leaning fence or wall areas.
E. Chain link fence material which is damaged or broken.
F. Height extensions of walls or fences in violation of this chapter.
G. Discoloration, or faded paint.

(Ord. No. 2015-09, § 2(Exh. A), 9-21-2015)

Sec. 20-130. - Responsibility of abutting property owner to maintain swale and bank areas.

Unless a governmental body has specifically assumed maintenance responsibilities, it shall be the responsibility of the owner of the property abutting a swale or water bank area to maintain said swale or water bank area. The swale or bank area shall be kept free of all debris and shall be landscaped and maintained in accordance with section 95-1545, installation, maintenance and materials.

(Ord. No. 2015-09, § 2(Exh. A), 9-21-2015)

Sec. 20-140. - City uses.

The provisions of this chapter are not intended and shall not be construed to preclude the use of any property by the city in any city government capacity, function or purpose. The city shall not be subject to any zoning or land development requirements contained in this land development code for structures or buildings that serve a governmental purpose. See also section 5-1555, public purpose uses.

(Ord. No. 2015-09, § 2(Exh. A), 9-21-2015)

Sec. 20-150. - Moving of buildings.

No building or structure shall be moved from one (1) lot to another unless such building or structure shall be made to conform with the requirements of this chapter as such chapter applies to new construction.

(Ord. No. 2015-09, § 2(Exh. A), 9-21-2015)

Sec. 20-160. - Maximum length of buildings.

The maximum length of buildings used for residential purposes shall be two hundred (200) feet. For the purposes of this section, length shall mean the farthest distance between any two (2) outside walls of a building.

(Ord. No. 2015-09, § 2(Exh. A), 9-21-2015)

Sec. 20-170. - Defensible space; CPTED.

All projects shall promote a secure environment. This is accomplished by designing with Crime Prevention Through Environmental Design (CPTED) principles. CPTED principles are design approaches to reduce crime and fear of crime by creating a safe climate within a building environment. Applications for plat approval and site plan approval shall undergo CPTED review for all uses except for one (1) single-family dwelling unit. The CPTED review shall be completed by a person from the law enforcement department. The following CPTED principles shall be used to review CPTED requirements:

A. *Provisions of natural surveillance.*
   1. The placement and design of physical features to maximize visibility. This will include building orientation, windows, entrances and exits, parking lots, walkways, guard gates, landscape trees and shrubs, fences or walls, signage and other physical obstructions.
   2. The placement of persons and/or activities to maximize surveillance possibilities.

B. *Provision for natural access control.*
   1. The use of sidewalks, pavement, lighting and landscaping to clearly guide the public to and from entrances and exits.
   2. The use of fences, walls or landscaping to prevent and/or discourage public access to or from dark and/or unmonitored acres.

C. *Provision of territorial reinforcement.*
   1. The use of pavement treatments, landscaping, art, signage, screening and fences to define and outline ownership of property.

D. *Maintenance.*
   1. The use of low-maintenance landscaping and lighting treatment to facilitate the CPTED principles of natural surveillance, natural access control and territorial reinforcement.

(Ord. No. 2015-09, § 2(Exh. A), 9-21-2015)

Sec. 20-180. - Limitation on residential access gates.

A. For the purposes of this section, an "access gate" shall be any gate or other structure which restricts vehicular access to a residential community. Solely for the purposes of this section, a "residential community" shall be considered any grouping of residential lots or dwelling units in excess of five (5) lots or dwelling units, or any combination thereof.

B. Where a residential community is located within another residential community, and the larger residential community has an access gate, then no other residential community located therein shall be permitted to erect or maintain an access gate. The purpose of this restriction is clearly to limit the number of access gates in residential communities.

C. The restrictions set forth herein shall not prohibit the location of multiple access gates into the same residential community where said gates are located on a trafficway, or prohibit the location of access gates to recreational amenities within a residential community.

D. An access gate may have several structures for restriction of ingress and egress and visitors and residents provided they are located at the same access point.

(Ord. No. 2015-09, § 2(Exh. A), 9-21-2015)

Sec. 20-190. - Compatibility and consistency.

Notwithstanding the density or intensity and the uses permitted by any zoning district regulations, the planning and zoning board and the city commission shall, in reviewing all plats, plat notes, site plans, and other applications for development permits, consider all relevant factors, including, but not limited to, consistency and compatibility with the future land use element of the comprehensive plan, together with all other comprehensive plan elements, such as traffic circulation, parks and recreation, conservation, potable water, waste water, and drainage. The city shall also consider adjacent zoning, approved plats and existing land uses, including occupied residential areas. In addition, where there are approved plats, existing land uses, including occupied residential areas, in close proximity to the area where the development permit which is under consideration, then the city shall consider whether the proposed development permit, including the uses to be made thereof, is compatible with those areas. For the purpose of this consideration, and in all instances where compatibility is used herein, compatibility means land uses (which shall include the structure to be constructed and the use to be made of the property) that are congruous, similar and in harmony with one another because they do not create or foster undesirable health, safety or aesthetic effects arising from direct association of dissimilar, contradictory, incongruous, or discordant activities or structures, including the impacts of density, intensity of use, hours of operation, aesthetics, noise, vibration, smoke, offensive odors, mass, shadow effect, the location of structures in close proximity to residential dwellings and other land use conditions or conditions which are likely to have a detrimental impact on the existing uses on lands adjacent to the site in question. This section shall read as supplemental to and complimentary with the requirements and criteria for rezoning of property, approval of a special exception use, approval of a site plan, and all other provisions of this chapter that require a determination of compatibility.

(Ord. No. 2015-09, § 2(Exh. A), 9-21-2015)

Sec. 20-200. - Open space and pervious area requirements.

A. The city engineer shall determine the amount of pervious credit, if any, to be given for ground covered by decks, paver blocks, pervious pavement, and similar

materials that are partially permeable, based upon the degree to which the material and construction method allow for the infiltration of water.

B. The common open space requirement may be partially satisfied off-site within three hundred (300) feet of the development that the open space is intended to serve, and must be reasonably accessible to all residents of the development. If off-site open space is provided, the owner of said open space shall provide a unity of title agreement to the city between the common open space parcel and the residential development site. Said unity of title shall be recorded at the expense of the owner, shall run with the land, and shall bind the heirs, successors, and assigns of the owner. Said unity of title shall be worded so that it may be voided by the city if other provisions are made for common open space pursuant to the requirements of the Municipal Code. When common open space is located off site, it shall only receive a maximum credit of ten (10) percent towards the total pervious open space requirement.

(Ord. No. 2015-09, § 2(Exh. A), 9-21-2015)

Sec. 20-210. - Lot frontage.

Every lot and every lot of record shall front on and have access to a street.

Sec. 20-220. - Establishment of street lines as basis for setbacks.

For the purpose of assuring sufficient space between the street fronts of buildings and structures to provide adequately for natural light, circulation of air, protection from fire, floods, tornadoes and hurricanes, access for firefighting apparatus or rescue and salvage operations, to facilitate provisions for traffic, transportation and circulation, and to promote increased safety, health and general welfare, street lines, as defined in section 5-3530, terms defined, are hereby established from which all setbacks from streets required by this chapter are to be measured and determined, and beyond which no buildings, structures or parts thereof, excepting such encroachments into a required yard as allowed by the city, shall be erected, structurally altered, enlarged or extended. Said street lines shall be established as specified herein for each of the classifications in this section.

Classification	Width of Right-of-Way	Distance from Center Line of Right-of-Way to Street Line
Arterials—Principal	325 feet	162.5 feet
Arterials principal	200 feet	60 feet
Arterials major	120 feet	60 feet
Arterials minor	120 feet	60 feet
	106 feet	53 feet
	100 feet	50 feet
Collectors	80 feet	40 feet
Local Streets—Public	50 feet	25 feet
Private (RS-6 Zoning)	40 feet	20 feet

(Ord. No. 2015-09, § 2(Exh. A), 9-21-2015)

ARTICLE 25. - NONCONFORMING USES AND STRUCTURES

Sec. 25-10. - Intent and purpose; existing use.

The purpose and intent of this article is to regulate and limit the development and continued existence of uses and structures that were lawfully established but do not comply with the regulations of this land development code and were made nonconforming by the original adoption of this land development code or subsequent amendments hereto. A use is nonconforming if it fails to comply with all the requirements of the zoning district in which it is located or any land development regulation

or is located in a nonconforming building. A lot, a building or a structure is nonconforming if it fails to comply with the requirements of the zoning district in which it is located or the land development regulations or it houses, or is the site of a nonconforming use.

(Ord. No. 2015-09, § 2(Exh. A), 9-21-2015)

Sec. 25-20. - Regulation of nonconforming buildings, structures or lands.

No existing building, structure or lands devoted to a nonconforming use shall be enlarged, extended, reconstructed, substituted or structurally altered, except when changed to a conforming use or when required to do so by law.

A. *Restoration.* Any nonconforming structure which has less than fifty (50) percent of its previous existing floor area made unsafe or unusable, may be restored or reconstructed for its intended use, provided that the floor area of such use, building or structure shall not exceed the floor area which existed prior to such damage. All repairs shall be completed within one (1) year after damages occur or such use shall not be rebuilt except as a conforming use.

B. *Repair.* Normal maintenance repair and incidental alteration of a structure containing a nonconforming use is permitted, provided it does not extend the area or volume of space occupied by the nonconforming use or increase the noise level, amount of odors, or emissions emanating from the nonconforming use. A building or other structure containing residential nonconforming uses may be altered in any way to improve interior livability, provided however, that no structural alterations shall be made which would increase the number of dwelling units or the square footage or height of any building.

C. *Site or building alterations.* Site or building alterations to nonconforming lands, buildings, or structures are not permitted unless the city commission finds that:

1. The land, building, or structure is nonconforming because one (1) or more physical characteristics, not including use, of the development are nonconforming; and
2. The proposed alterations do not increase the size of the building or structure; and
3. Proposed alterations do not permit a nonconforming use to be expanded. No nonconforming use shall be enlarged or increased, nor extended to occupy a greater area of land, building, or structure than was occupied on the date the use became nonconforming.

(Ord. No. 2015-09, § 2(Exh. A), 9-21-2015)

Sec. 25-30. - Regulation of nonconforming uses.

A. Nonconforming uses of land, buildings or structures. No nonconforming use shall be enlarged or increased, nor extended to occupy a greater area of land, building or structure than was occupied at the effective date of adoption or amendment of the ordinance from which this section is derived.

B. No such nonconforming use shall be moved in whole or in part to any portion of the lot other than that occupied by such use at the effective date of adoption or amendment of this section.

C. No existing land, building or structure devoted to a nonconforming use shall be enlarged, extended, constructed, reconstructed, moved or structurally altered, except in changing the use of the structure to a use permitted in its zoning district.

(Ord. No. 2015-09, § 2(Exh. A), 9-21-2015)

Sec. 25-40. - Termination of nonconforming use.

A. Abandonment. A nonconforming use discontinued or not used for a period of more than ninety (90) consecutive days (not including closure for renovations or repairs) or the change of use to a conforming use for any period of time, shall be considered an abandonment thereof, and such nonconforming use shall not thereafter be revived. When a nonconforming lot, building or structure is not used for a period of ninety (90) consecutive days (except when governmental action impedes access to the premises), the land, building, or structure shall not thereafter be used except in conformity with the regulations of the zoning district in which it is located. If a nonconforming use is discontinued or abandoned on a portion of the land or structure for ninety (90) consecutive days, that portion of the land or structure shall not thereafter be used except in conformity with the regulations of the zoning district in which it is located.

B. Land or structures shall not be deemed to be active and in continued nonconforming usage solely from the existence of a state license or local business tax receipt permitting such a use or business, but such use or business must be actively undertaken, staffed and in operation, unless other facts show legally sufficient activity, for such use or business to be deemed in active continued nonconforming usage.

C. It shall constitute a rebuttable presumption that the use has been abandoned if a land, building, or structure is noted by city code inspectors or police officers to be vacant and/or unoccupied during the ninety-day period. Unoccupied means any land, building or structure which is not being used by persons authorized by the owner of the property on which such building or structure is located. Vacant and/or unoccupied also means where utility services have been terminated.

D. Partial destruction. When fifty (50) percent or more of the existing floor area of a nonconforming structure is destroyed by fire or other casualty or act of God and as a result becomes unsafe or unusable, the use of such structure as a nonconforming use shall thereafter be terminated. Provided that, where a nonconforming use is a residence located in a residential zoning district, it may be reconstructed to its prior condition, even if more than fifty (50) percent of the floor area is destroyed.

(Ord. No. 2015-09, § 2(Exh. A), 9-21-2015)

ARTICLE 30. - GENERAL DEVELOPMENT REVIEW PROCEDURES

Sec. 30-10. - Administration; generally applicable procedures.

A. *Administration of article.* The application submittal and review requirements of this article shall be administered by the planning and zoning director (as used herein, the term "director" shall mean the director of the planning and zoning division or his or her designee) who shall specify the format of applications and other routine document forms, establish administrative procedures and prepare administrative reports to implement the requirements of this article.

B. *Required approvals, generally.* In order to develop land in the city, one (1) or more of the following procedures are generally required depending upon the specifics of the case; all of the following applications except for comprehensive plan amendments, are considered development permit applications by state statute:

- Comprehensive plan amendment;
- Rezoning or land development code text change;
- Plat approval or amendment;
- Site plan or amendment;
- Community appearance;
- Special exception;
- Planned unit development or amendment;
- Master development plan or amendment;
- Variance;
- Building or sign permit.

C. *Qualified applicants.* Qualified applicants shall be limited to the following:

1. For vacation or abandonment of rights-of-way, the owner or agent of the owner of property adjacent to the right-of-way, having unified control or a recognizable interest in the property, provided all owners and all holders of equitable interest, including purchasers, have authorized the application as required by law.
2. For administrative appeals, any person who has been aggrieved by an order, requirement, determination or decision on the basis of an alleged error made by the official or employee.
3. For all other applications, the owner, or agent of the owner, having unified control or a recognizable interest in the property, provided all owners and all holders of equitable interest, including purchasers, have authorized the application as required by law. For example, for a property owned by a trust, the trust agreement may allow two (2) of three (3) trustees to authorize such an application.
4. Only the city commission, planning and zoning board and city manager may initiate map and text amendments to the code and comprehensive plan.
5. The city manager and city commission may initiate any application for land under city control, including vacations of right-of-way.

D. *Development application requirements.* Every application for a development permit shall be in a form specified by the planning and zoning division and shall be accompanied by a fee, and commitment for cost recovery as established from time to time by the city, to defray the costs of processing and reviewing the application and the required notice. The application shall be prepared in the appropriate number of copies, accompanied by such plans, data, or documents specified by the application form or such additional information that may be requested by the director.

E. *Pre-application conference.* The director, at his/her option, may schedule and hold pre-application conferences for the purpose of reviewing the proposed development prior to the formal submission of an application for development approval. Failure of staff to identify any requirements at a pre-application conference shall not constitute waiver of the application of any requirements of this land development code. The director shall have the authority, based upon the nature of the application, to waive the pre-application conference requirement or to require payment for staff time and expenses incurred in the review of the pre-application documentation.

F. *Filing of applications.* The director shall establish application filing deadlines and a review schedule for all applications. All applications for a development permit filed with the planning and zoning division shall be reviewed to determine whether the application is complete. If it is determined that the application is not sufficient, written notice shall be served on the applicant specifying the deficiencies. The planning and zoning division shall take no further action on the application until the deficiencies are remedied. If the applicant fails to correct the deficiencies within twenty (20) working days after it is determined not sufficient, the application shall be considered withdrawn. If or when the application is determined sufficient, the director shall place the application on a development review committee meeting pursuant to subparagraph H.2., below. An application for development approval may not be scheduled for further processing until all required information has been submitted and the required review agencies have completed their review.

[EDITOR'S NOTE: F.S. ch. 160, limits the number of times that an application can be held for incompleteness to three (3) before requiring a denial with specific findings.]

G. *Development review committee duties.* There shall be created a development review committee ("DRC") consisting of a committee as determined by the

director. The committee shall review development permit applications submitted pursuant to this chapter when required pursuant to Table 22-1, to ensure that the applications are consistent with the requirements of the city's comprehensive plan and this Code, and provide specific comments and recommendations regarding the application.

H. *Development review committee (DRC) process.* The DRC shall review applications for development permits pursuant to Table 22-1, and provide comments at a publicly noticed DRC meeting, except when the director determines that full DRC review and a meeting of the DRC is not necessary due to the limited scope of an application. The director shall notify the applicant in writing as to the scheduled DRC meeting date or determination that the scope of the application does not require a meeting of the DRC. This subsection shall govern the DRC review process and shall control over any conflicting provision in this chapter.

1. When the director determines that full DRC review is not required, the director shall distribute the application only to those DRC members whose review the director deems to be pertinent. The director shall forward any review comments to the applicant. Upon satisfaction of all review comments and determination that the application satisfies all requirements of this Code, the director and DRC members who reviewed the application shall each, individually, certify the application. The certification shall indicate that the director waived review by other DRC members.
2. When the director determines that full DRC review is required, the planning and zoning division shall provide the applicant with a draft list of issues, if any, prior to the DRC meeting. The DRC shall be convened pursuant to the planning and zoning division calendar or as otherwise determined by the director, to review the application and determine whether it should be certified. The director can schedule a special DRC meeting if he/she determines such a meeting would be in the best interest of the city. An application shall not be certified unless it meets the minimum standards as outlined in this chapter. An application shall not be forwarded to the planning and zoning board for review until it has been certified by the DRC. At the DRC meeting, the planning and zoning division shall advise the applicant of the DRC's decision and any comments and conditions determined by the DRC to be necessary to comply with this Code, and send via electronic mail a copy of the decision to the applicant. An applicant shall be provided an opportunity after the DRC meeting to satisfy any requirements without returning to a subsequent DRC meeting, unless the director determines that the applicant has not satisfactorily addressed major requirements that warrant a subsequent meeting. The director may allow continuance of a DRC as necessary to address any issues identified by the committee. If the application is certified and planning and zoning board approval of the application is required, the public hearing on the application shall then be scheduled for the planning and zoning board to be held within sixty (60) days.
3. Development applications shall undergo review by the DRC, PZB and/or city commission pursuant to this paragraph, which together with this subsection shall govern over any conflicting requirement in this chapter.

Required Committee/Board Approval For Development Applications			
Type of Application	Development Review Committee (DRC)	Planning and Zoning Board (PZB)	City Commission
Annexation	N	N	Y
Administrative variance	N	N	N
Appeal of administrative decision pursuant to section 55-1510, administrative appeals***	N	Y	(see note #4 below table)
Community appearance	N	Y	Y**
Community appearance modification	N	D	D
Comprehensive plan amendment (initiated by a third party)	D	Y*	Y
Comprehensive plan amendment (city initiated)	N	Y*	Y
Land development code relief pursuant to section 55-2010, land development code relief procedures	N	N	Y
Land development code text amendment to permitted, prohibited and special exception uses	N	Y*	Y

Land development code text amendment, other	N	Y	Y
Code amendment, other than this chapter	N	N	Y
Plat	D	Y	Y
Plat amendment or delegation request	D	D	D
Rezoning	D	Y*	Y
Site plan, master plan	D	Y	Y
Site plan or master plan amendment	D	D	D
Special exception	D	Y	Y
Special exception modification	D	D	Y
Vacation of right-of-way	D	N	Y
Variance	D	Y	Y

Table Notes:

* Planning and zoning board, as local planning agency, in accordance with F.S. § 163.3174.

** City Commission, as community appearance board.

*** Note: there are several specialized appeal processes in this Code that pertain to particular types of permits or approvals. Section 55-1510 applies wherever this chapter does not otherwise provide for a specific administrative appeal process.

1. "Y" denotes that review/approval is required. Where city commission approval is indicated, the "Y" can denote formal approval by the commission or commission notice and review via the call up procedure pursuant to subsection J., as applicable.
2. "N" denotes that review/approval is not required.
3. "D" denotes that review/approval may be required depending on the nature of the application, as determined by the director, and indicates that an application does not automatically require public hearings, and may be processed as a call-up item pursuant to subsection J, if the director determines that the application does not constitute a substantial change from the previous approval.
4. PZB decision is final unless appealed to the city commission pursuant to section 15-1510.

I. *Action by planning and zoning board.* If review of the application by the planning and zoning board is required in subsection H.3., the director shall compile a written report which summarizes the facts of the application including all documents that he or she determines are relevant, and evaluates the proposed application with the general purpose and standards set forth in the land development code, which shall be transmitted to the planning and zoning board. If the planning and zoning board finds that the application is in compliance with the land development code, then the board shall recommend approval of the application to the city commission. If the planning and zoning board finds that the proposed application is not in compliance with the comprehensive plan or these land development regulations, then the board shall recommend denial of the application to the city commission. To the extent deemed feasible by the board, its recommendation of denial shall cite the sections of the comprehensive plan or land development code which have not been satisfied; however, the failure of the board to do so shall not affect the validity of its recommendation and the recommendation shall be transmitted to the city commission, with or without such detail.

J. *Action by city commission.* Applications that require city commission approval pursuant to subsection H.3. shall be processed pursuant to paragraph 1., below. Applications that do not automatically require city commission approval in table 22-1 may be processed as commissioner call-up items pursuant to paragraph 2., below.

1. *Applications that require city commission approval.* The director shall prepare a copy of the complete application and a written staff report summarizing the facts of the case including all documents that he or she determines are relevant, and the recommendations of the planning and zoning board, if applicable. In cases where planning and zoning board review is required, the director shall schedule the application for a city commission meeting to be held within sixty (60) days of the action by the planning and zoning board. The required notice procedures of Table 22-2 shall be met. In considering a proposed

development application, the city commission shall review the proposed application, the city's comprehensive plan and these land development regulations, the report of the administration and recommendation of the planning and zoning board, if applicable to the application, and any oral and written comments received before or at the public hearing. Based upon the record developed at the public hearings, the city commission may:

a. Approve the proposed application with or without modifications by resolution/ordinance, and conditions; or

b. Reject the proposed application which rejection shall note the specific provisions of the comprehensive plan or land development regulations not satisfied by the application; or

c. Refer the matter to the planning and zoning board or administration for further consideration.

2. *Action by city commission for call-up items as indicated in Table 22-1.* When city commission review of an application type is indicated with a "D" in table 22-1, the director may determine that the scope and impact of a particular application is minor in nature, and does not substantially alter the prior city commission approval. In such cases, the application shall be processed as follows.

a. The city manager shall forward a copy of the complete application and a brief memorandum prepared by the director to each city commissioner. The memorandum shall summarize the facts of the case relative to prior approvals, and the director's reasoning for considering the application to be minor in nature and not a substantial change to a prior commission approval.

b. Each city commissioner shall have six (6) business days, starting on the date the city manager distributes the application and memorandum, to review the application and provide a written response to the city manager stating whether he or she wishes the application to be scheduled for public hearings.

c. If any commissioner responds within the allocated timeframe in b., above, that he or she wishes to consider the application at a public hearing of the city commission (i.e., call up the application), the director shall automatically advertise and schedule the application for public hearings before the planning and zoning board (if applicable) and the city commission to take place within forty-five (45) days of the commissioner call-up request. Absent such a request from any of the city commissioners within the allocated timeframe, the application shall be approved without the requirement of a public hearing.

K. *Rescheduled meeting dates.* Meetings may be continued to a date certain without further notice at the sole discretion of the city, except as provided for by F.S. ch. 166.

L. *Time periods not mandatory.* The failure to schedule or advance an application by the city in a timely manner as set forth herein shall be without prejudice to the city's rights and shall not constitute approval of any application. All time periods relative to city action are directory not mandatory.

M. *Examination and copying of application and other documents.* At any time during normal business hours of the city, upon reasonable request any person may examine an application for development approval and materials submitted in support of or in opposition thereto. Copies of such materials shall be made available upon payment of the appropriate fee.

N. *Resubmission of applications after denial.* An application for development approval which has been denied may not be resubmitted for reconsideration for a period of one (1) year after the date on which an application for the same development application has been denied by the city commission.

O. *Reliance on information presented by applicant.* The city and its departments, boards and agencies shall have the right to rely on the accuracy of statements, documents and all other information presented to them by the applicant or his/her agent, in review of an application for development approval issued under this Code. It shall be a violation of this section for any applicant to submit information which it knows to be false or inaccurate in a material way or which it has reason to believe is false or inaccurate in any material way. The submission of false or inaccurate information shall be grounds to void any approval or development permit granted pursuant to this section. The city may void said approval or development permit at any time after it determines that such false or inaccurate information was submitted as part of this process. All renderings used by the applicant in a presentation before the city commission shall be the property of the city and said renderings shall become part of the approval unless otherwise specified by the commission. The failure to undertake the project in material conformance with said renderings shall be a violation of this land development code and shall be grounds for code enforcement prosecution or the denial of future development permits for the project.

P. *Application annulment.* If an applicant fails to act upon a submitted application (as evidenced by the submission of a response or pursuing the next step in the process set forth herein) within a ninety-day period after receiving written comments from the DRC, or specific DRC members as determined by the director, the application will be deemed null and void. The director may extend the ninety-day requirement if he or she determines that reasonable progress is being made in revising the application.

Q. *Timing of notice.* The "timing of notice" columns in table 22-2 refer to the minimum number of calendar days prior to the date of a public hearing, not including the date of the hearing, that:

1. The newspaper advertisement must appear in the newspaper; and

2. Mail notices must be mailed.

R. *Mail notices.*

1. Mail notice is the responsibility of the applicant for the development application requiring mailed notice pursuant to table 22-2.

2. The mail notice radius in table 22-2 shall be measured from the boundaries of the land that is the subject of the application. The applicant shall produce a certified radius map and mailing list of all property owners within the required radius. The city shall maintain a list of radius map and mailing list providers which the applicant may utilize. Mail notice may be provided through one (1) of the following: bulk mail, first class mail or certified mail, return receipt

requested, as determined by the director.

3. Upon completing the mailing, the applicant shall provide to the planning and zoning division the radius map and mailing list, and a sworn affidavit attesting that he or she mailed notice to all property owners within the required mail notice radius. Mail notice shall be sent U.S. mail to:
   a. The owner of the subject property, as well as the petitioner; and
   b. The persons shown on the current tax rolls of Broward County to be the respective owners; or
   c. In the case of a condominium, notice shall be sent to the board of directors of the applicable condominium association;
   d. Mail notice shall only be required to owners of land located within the city's boundaries.
   e. Mail notice is not required for items that are processed pursuant to paragraph J.2., unless one (1) or more city commissioners exercises the call-up option and subjects the application to a public hearing.
4. The planning and zoning division shall prepare the notification of hearing to be mailed by the applicant. The mail notice shall contain substantially the same information as provided in the newspaper advertisement for the same application, if required. The mail notice shall comply with any other requirements of this Code as specifically required for the development application, and shall also contain the address and the legal description of the subject property, the approximate relation to the nearest cross streets; and a map or demarcated aerial photograph showing its approximate size, location and relationship to adjacent properties.
5. Mail notice is a courtesy that supplements other forms of notice. Therefore, the mailing of such notices shall constitute service. Non-receipt of mail notice by any property owner within the required mailing radius does not constitute grounds for re-advertising or conducting additional public hearings, and shall not affect any action or proceeding taken.
6. When more than one (1) hearing is required or occurs before any given body, mail notice shall be required only for the first such hearing, except that one (1) mailing is required for each city commission public hearing to consider adoption of large-scale land use plan map amendments.
7. When an application other than a zoning change or land use plan map amendment is subject to public hearings by both the planning and zoning board and city commission, a single mail notification advising of both hearings may be sent to prior to the first of such hearings to satisfy the mail notice requirements of this subsection, as well as other sections of the code that require mail notice for both planning and zoning board and city commission hearings. This provision shall govern over any conflicting provision of this chapter.
8. It shall be the responsibility of each person who receives mail notification to track the progress of an application in the event that the application does not proceed to any of the noticed public hearings on the date(s) indicated in the mail-out, whether by reason of deferral to a date certain, meeting cancellation or other cause. Additional mail notification is not required in such instances.
9. Mail notice for any city-initiated amendment to the land use plan map or official zoning map shall be provided only to the owners of properties that are included within the map amendment and would experience a change in zoning or land use upon adoption of the amendment.

S. *Newspaper notices.*
   1. All required newspaper advertisements shall be placed in one (1) or more newspapers of general paid circulation in Broward County, and of general interest and readership in the community, not one of limited subject matter. Standard newspaper advertisements shall contain all information required by law for such advertisements.
   2. As an alternative to newspaper notice, the city clerk may post the information for the public notification on the city's website and within the lobby of city hall, unless otherwise provided by law for certain comprehensive plan and land development code text and map amendments in paragraph 3., below. Such alternative noticing is subject to the same notice timeframes required for newspaper advertisements. Notice on the website shall be accessible directly from the home page. Whenever the term "newspaper notice" is used in this chapter, the term shall mean newspaper notice or the alternative notice procedure as provided in this subsection.
   3. Comprehensive plan (text and land use plan map) amendments, code amendments changing the list of permitted, prohibited and conditional uses of land, and rezonings initiated by the city, are specifically regulated by F.S. § 166.041, as may be amended from time to time. Pursuant to said section, such advertisements shall not be placed within the legal advertisement section of the newspaper. The ad shall be two (2) columns in width by ten (10) inches in length, shall prominently state "NOTICE OF LAND USE CHANGE" or similar in eighteen (18) point type, and shall include a location map as applicable. Small-scale land use plan map amendments are not subject to this requirement, and can be advertised using a standard legal ad.
   4. Newspaper notice is not required for call-up items processed pursuant to paragraph J.2., unless one (1) or more commissioners exercise the call-up option and subject the item to a public hearing.

T. *Public hearing notice signs.* All applicants applying for development approval of vacant land shall cause to be posted a sign or signs notifying the public of any public hearing related thereto. Creation and installation of the signs shall be the responsibility of the applicant and subject to the following conditions:
   1. The sign shall be posted at least seven (7) calendar days prior to the date of the first public hearing (eight (8) days if the seventh day is a holiday) and shall not be removed by the applicant until the final hearing is closed;
   2. The sign shall be firmly secured to the ground to prevent vandalism and shall be installed along the most visible portion of road frontage. The sign shall be erected in a manner so as to be visible to traffic moving in both directions and be perpendicular to the roadway, except in the case of signs at the end of cul-de-sacs. If there is more than one (1) frontage of the parcel on an improved street or streets, one (1) sign for each frontage shall be posted;

3. The composition of the sign shall be of a durable material (wood or metal) forty (40) inches by forty (40) inches in size painted white with black sans serif letteri Arial having a minimum height of four (4) inches with a letter stroke of one (1) inch;
4. The sign verbiage shall conform to specifications supplied by the planning and zoning department;
5. A code enforcement officer shall file a report or affidavit with the city commission that the sign was observed in place in accordance with the above;
6. An application for which the specifications of this subsection are not met shall be pulled from the applicable public hearing agenda and shall be required to withdraw their application and file a new application and fee;
7. The sign shall be taken down within one (1) week following the close of the final public hearing; thereafter the city may remove the sign and retain the bond;
8. A fifty-dollar bond to cover the removal of the sign shall be refundable upon removal of the sign by the applicant.

U. *Required public notice and public hearings.* This subsection determines the minimum notification requirements for both public hearings and administrative approval of development applications under this chapter. Applications that are processed via the call up procedure, as provided in paragraph J.2., are not subject to the provisions of this subsection. As used in this subsection, N/A means, "not applicable"; PZB means, "Planning and Zoning Board"; and ft., means "feet".

Application Type	Required Public Hearings	Timing of Notice [1]	Newspaper Notice Format [2]	Mail Notice Radius
Annexation	City commission	15 days (once each week for 2 consecutive weeks)	Standard	N/A
Administrative variance (see also section 55-1010, administrative variance	N/A	15 days before end of protest period	N/A	500 ft [3] notice of intent to approve
Appeal of administrative decision pursuant to section 55-1510, administrative appeals	PZB, with appeal to city commission	10 days	Standard	N/A
Community appearance	PZB	10 days	Standard	N/A
	City commission	10 days	Standard	N/A
Comprehensive plan map amendment (small-scale per F.S. § 163.3187)	PZB*	10 days	Standard	500 feet
	City commission (first reading)	N/A	N/A	N/A
	City commission [4] (second reading)	10 days [5]	Standard	500 feet
Comprehensive plan map amendment, other	PZB*	10 days	Standard	500 feet
	City commission (first reading)	10 days	Large	500 feet
	City commission (second reading)	10 days	Large	500 feet
Comprehensive plan text amendments (excluding annual CIP update)	PZB*	10 days	Standard	N/A
	City commission (first reading)	10 days	Large	N/A

	City commission (second reading)	10 days	Large	N/A
Land development code amendments to zoning lists of permitted, prohibited, and special exception uses	PZB*	10 days	Standard	N/A
	City commission (first reading)	10 days	Large	N/A
	City commission (second reading)	10 days	Large	N/A
Code amendments, other	PZB	10 days	Standard	N/A
	City commission (first reading)	N/A	N/A	N/A
	City commission (second reading) [4]	10 days	Standard	N/A
Land development code relief pursuant to section 55-2010, land development code relief procedures.	City commission	10 days	N/A	500 feet
Plat, plat amendments	PZB	10 days	Standard	N/A
	City commission	10 days	Standard	N/A
Rezoning initiated by the city for fewer than 10 contiguous acres	PZB*	10 days	Standard	500 feet
	City commission (first reading)	N/A	N/A	N/A
	City commission (second reading) [4]	10 days [5]	Standard	500 feet
Rezoning initiated by the city for 10 or more contiguous acres	PZB*	10 days	Standard	500 feet
	City commission (first reading)	10 days	Large	500 feet
	City commission (second reading)	10 days	Large ad	N/A
Rezoning initiated by the property owner	PZB*	10 days	Standard	500 feet
	City commission (first reading)	10 days	N/A	500 feet
	City commission (second reading) [4]	10 days	Standard	N/A
Site plan, master site plan, and amendments	PZB	10 days	Standard	N/A

	City commission [6]	10 days	Standard	N/A
Special exception and special exception modification	PZB	10 days	Standard	500 feet
	City commission	10 days	Standard	500 feet
Vacation of right-of-way; abandonment	City commission	2 weeks before hearing	Standard	N/A
Variance	PZB	10 days	Standard	500 feet
	City commission	10 days	Standard	500 feet

Table notations:

* Planning and zoning board as local planning agency. Review and notice for planning and zoning board required only for amendments to this land development code.

1. Minimum number of days prior to public hearing that newspaper notice must be published and that mail notice must be mailed.
2. Newspaper Ad Format refers to either "Standard" ad (legal section of newspaper) or "Large" ad, which refers to the advertisement format required by F.S. § 166.041(3)(c)2.(b), as may be amended from time to time. Pursuant to said section, such advertisements shall not be placed within the legal notice and classified advertisement section of the newspaper, shall be two (2) columns in width by ten (10) inches in length, shall prominently state "NOTICE OF ZONING/LAND USE CHANGE" or similar in eighteen (18) point type, and shall include a location map as applicable.
3. Notice shall advise addressee of the right to protest the request in writing within fifteen (15) days of mailing.
4. Only one (1) advertised public hearing is required for the adoption hearing on second reading of the ordinance pursuant to F.S. § 163.3187 (for small-scale plan amendments) and F.S. § 166.041 (for certain rezonings, and ordinances amending provisions in the Land Development Code other than the lists of permitted, prohibited and special exception uses.
5. If city initiated, notice shall be sent to property owner(s) of the property to be rezoned at least thirty (30) days prior to the public hearing (second reading).
6. Master plans and master plan amendments that are approved by ordinance require two (2) city commission readings. Newspaper notice is required only for the second reading, which shall be a public hearing.

(Ord. No. 2015-09, § 2(Exh. A), 9-21-2015; Ord. No. 2016-16, § 2, 12-7-2016)

Sec. 30-20. - Planning and zoning board and local planning agency; created; composition; power and duties.

There is hereby created and established as an agency of the city a board to be known as the planning and zoning board, hereinafter called the "board," with membership, powers, duties and responsibilities as set forth hereinafter.

A. The board shall be comprised of seven (7) members, five (5) of the members appointed to membership individually by each commissioner in accordance with Ordinance No. 90-21, and the sixth and seventh members to be nominated by any member of the commission and appointed by a majority vote of the commission. There shall also be two (2) alternate members on the planning and zoning board to be appointed in the same manner as the sixth and seventh members.
B. A quorum shall consist of four (4) members. For any item to be recommended to the city commission for approval, a majority vote of the members of the board is necessary. In case of a tie vote, the item shall be deemed to be not recommended to the city commission for approval.
C. The board shall have the following powers and duties:
    1. It shall serve as the local planning agency of the city and in the manner and to the extent provided by F.S. §§ 163.3161, 163.3174 et seq., and amendments thereto.
    2. It shall review proposals for changes to the zoning regulations or to the official zoning map of the city, and shall make a recommendation on each such matter to the city commission.
    3. It shall review plats of land subdivisions lying wholly or partly within the city prior to submittal of the plats to the commission for its approval, under the established procedures for plat approval, prior to recordation; and the board shall transmit its recommendations regarding such plats to the commission prior to final decision by the commission.
    4. On its own initiative or when requested to do so by the commission, the board shall report to the commission its findings and/or recommendations

pertaining to any matter within the purview of comprehensive planning for the development and/or improvement of the city.

5. To review site plans as required in this land development code and make a recommendation on each such matter to the city commission.
6. To hear and decide appeals when it is alleged that there is an error in any order, requirement, decision or determination made by an administrative official in the enforcement of this chapter, including referenced provisions of the Broward County Zoning Code that apply to properties that have retained their pre-annexation zoning.
7. To review petitions for variance from the terms of this chapter, including referenced provisions of the Broward County Zoning Code that apply to properties that have retained their pre-annexation zoning, and make a recommendation on each such matter to the city commission.
8. To review petitions for special exception uses as required in this land development code, and make a recommendation on each such matter to the city commission.
9. To review Community Appearance Board applications, and make a recommendation on each such matter to the city commission.
10. The board shall perform such other duties as may be assigned to it from time to time by the commission, or as set forth in this land development code or other ordinance.

(Ord. No. 2015-09, § 2(Exh. A), 9-21-2015)

Sec. 30-30. - Compatibility and consistency.

Notwithstanding the density or intensity and the uses permitted by any zoning district regulations, the planning and zoning board and the city commission shall, in reviewing all plats, plat notes, site plans, and other applications for development permits, consider all relevant factors, including but not limited to consistency and compatibility with the future land use element of the comprehensive plan, together with all other comprehensive plan elements, such as traffic circulation, parks and recreation, conservation, potable water, waste water, and drainage. The city shall also consider adjacent zoning, approved plats and existing land uses, including occupied residential areas. In addition, where there are approved plats, existing land uses, including occupied residential areas, in close proximity to the area where the development permit which is under consideration, then the city shall consider whether the proposed development permit, including the uses to be made thereof, is compatible with those areas. For the purpose of this consideration, and in all instances where compatibility is used herein, compatibility means land uses (which shall include the structure to be constructed and the use to be made of the property) that are congruous, similar and in harmony with one another because they do not create or foster undesirable health, safety or aesthetic effects arising from direct association of dissimilar, contradictory, incongruous, or discordant activities or structures, including the impacts of density, intensity of use, hours of operation, aesthetics, noise, vibration, smoke, offensive odors, mass, shadow effect, the location of structures in close proximity to residential dwellings and other land use conditions or conditions which are likely to have a detrimental impact on the existing uses on lands adjacent to the site in question. This section shall read as supplemental to, and complimentary with, the requirement for finding of compatibility that is set forth in the respective provisions of this chapter governing the processing, review and approval of petitions for special exceptions, rezonings, site plans, relief from the terms of this chapter, and community appearance board applications.

(Ord. No. 2015-09, § 2(Exh. A), 9-21-2015)

ARTICLE 35. - IMPACT ANALYSIS AND FINDINGS OF ADEQUACY

Footnotes:
*--- **(6)** ---*
Editor's note— *Ord. No. 2020-007 , adopted September 14, 2020, amended art. 35 in its entirety to read as herein set out. Former art. 35 pertained to the same subject matter, and derived from Ord. No. 2015-09, adopted September 21, 2015*

Sec. 35-10. - Concurrency requirements for level of service.

A. *[Requirements.]* No application for a rezoning containing a master development plan, plat, site plan, special exception or building permit, or plat note amendment shall be approved which causes the following levels of service (LOS) to fall below those set forth in the comprehensive plan. This requirement shall be met by assuring that the following levels of service are met concurrently with the impacts of the development:

Category	Level of Service
Traffic circulation:	
Collector roads	LOS "D" peak hour
Arterial roads non Florida Intrastate Highway (FISH) Roadways	LOS "D" Daily
	LOS "D" Peak Hour

	LOS "D" Peak Hour Peak Direction
Arterial roads Florida Turnpike	LOS "D"
Arterial roads Sawgrass Expressway	LOS "D"
• Holmberg Road, east of University Drive, has been specifically designated as a two-lane road within the city not suitable or desirable for expansion. All development permit applications shall use all available and professionally accepted design features or take other necessary measures on site or on roads which are part of necessary safe and adequate access, or on city or county traffic ways abutting the development to mitigate potential traffic impacts to Holmberg Road to the extent feasible.	
Potable water	350 GPD/ERC
Existing development, one (1) unit per acre	Private wells
Potable water service includes publicly and privately owned water treatment facilities and wells on individual parcels of land which will provide for the needs of the proposed development.	
Wastewater	300 GPD/ERC
Existing development, one (1) unit per acre	Septic tanks
Solid waste, per capita per day	3.8 lbs.
The proposed development shall be designed to provide adequate areas to store waste until the time of collection, which areas shall be easily accessible and approved by the solid waste disposal service provider.	
Drainage	25-year storm over a 72-hour duration for discharge from the site Ten-year storm over a 24-hour duration for minimum road elevations 100-year storm over a 72-hour duration for minimum finished floor elevation
At no time shall storage be permitted within parking lot pavement until the storm event criteria have been satisfied. An exception to elevation standards necessary for flood protection may be made only to the degree that it would be impossible to comply with the elevation criteria without creating a greater probability of flooding existing buildings on adjacent lots. All required easements shall be granted to the appropriate governmental entity prior to the issuance of a building permit.	
Parks, recreation and open space, per 1,000 persons total	10 acres

B. *[Available capacity a factor.]* The determination of available capacity shall factor in the demand of all development that is occupied, available for occupancy, for which building permits are in effect or for which facility capacity has been reserved.

C. *Availability of facilities to satisfy concurrency.* A developer shall have satisfied the requirements of this subsection if:

1. The necessary facilities are in place at the time the development permit is issued or a plat approval is issued subject to the condition that the necessary facilities will be in place when the impacts of the development occur.
2. The necessary facilities are under construction at the time a city development permit is issued.
3. The necessary facilities are the subject of a binding contract executed for the construction of those necessary facilities at the time a city development permit is issued.

4. The necessary facilities have been included in the city's, the county's or the state's annual budget at the time a development permit is issued although the facilities are not yet the subject of a binding contract for their construction.
5. The developer demonstrates, to the satisfaction of the city's commission, through objective evidence that the development will not cause a deterioration in levels of service or that any such deterioration can be mitigated by actions of the developer, which actions shall be reduced to a written agreement satisfactory to the city.
6. The developer has a plat for the subject property approved by the city, recorded in the public records of Broward County subsequent to March 20, 1979, or the developer has a plat for the subject property approved by the city and Broward County within the eighteen-month period prior to city commission consideration of a site plan; for plats approved only by Broward County for this period, the city commission must determine by resolution that the impacts of the proposed development shall not create impacts on the infrastructure of the city such that the ability of the city to maintain the levels of service set forth in the comprehensive plan are impeded in any way. This vesting is solely for the purpose of a concurrency determination and shall only be to the extent of the levels of development for which the plat was reviewed as set forth in the above-described resolution. This shall not relieve the applicant of any impact fee or dedication requirements contained herein.
7. The developer has a planned unit development approved by the city which specifically provides for park and open space dedications consistent with the dedication requirements existing at the time the PUD was approved and the application is for a development permit which does not increase residential density or commercial square footage.
8. In all cases, except as otherwise provided in F.S. § 163.3180, when adequate facility capacity does not exist at the time of development permit, then issuance of such permit shall be conditioned upon capacity becoming available concurrent with the impacts of the development.

D. *Timing of determination.* For the purposes of determining concurrency, the levels of service existing at the time a completed application for plat, site plan, special exception or building permit, whichever occurs first, is submitted in accordance with the provisions herein shall be determinative provided that, if no final action is taken on the permit application within one hundred eighty (180) days, the levels of service will be adjusted to reflect any changes which have occurred during that period, and any concurrency determination shall be made based upon that adjusted data.

E. *Private property rights.* Nothing in this section or the city concurrency management system regulations shall be construed or applied to result in a temporary or permanent taking of private property without due process of law.

F. *Additional adequacy requirements for roads.*

1. Any right-of-way required by the Broward County Trafficways Plan shall be dedicated by plat, deed or easement, as deemed acceptable to Broward County and the city prior to issuance of a building permit for a principal building.
2. The applicant shall demonstrate that the local streets and roads which will serve the development will provide safe and adequate access between the regional transportation network and the proposed development and shall have the capacity to serve the proposed development at the level of service established by the city.
3. The capacity of the local street and road network shall be determined based upon sound standards and principles of traffic engineering considering to the extent available:
   a. Existing transportation studies;
   b. The traffic generation characteristic of the proposed development;
   c. Any other information that may be relevant.
4. In determining the capacity of the local roads, it shall be assumed that all projects funded for construction under the city's adopted capital improvements program, when such program is adopted, as well as those network improvements committed and evidenced by contract with other municipalities or county, state and federal agencies in their annual budgets have been completed and are part of such network.
5. If it is found that the off-site local street and road network needed to provide safe and adequate access between the regional transportation network and the proposed development is unpaved, lacks the capacity to accommodate the additional traffic generated by the proposed development at the level of service or is not constructed, it shall be determined whether such paving, capacity or roadway construction will be available if all of the transportation improvements contained in the city's capital improvement plan are completed. If it is determined that such paving or capacity will be available, then the specific improvements necessary to enable the network to reach such capacity shall be identified (hereinafter referred to as necessary improvements), and the application shall be granted with an express condition regarding the adequacy of such local roads. At the sole discretion of the city commission, such condition shall require any combination of the following:
   a. That for off-site local roads the applicant shall construct to all city specifications the share of the necessary improvements proportional to the share of the additional capacity created by such improvements that is needed to accommodate traffic generated by the applicant's development; or
   b. That the applicant deposit money in the road fund, as defined in paragraph 6, below, equal to the share of the cost of the improvements that would otherwise be required in paragraph above.
6. A road fund that is created pursuant to subparagraph F.5.b, of this section shall be maintained by the city and shall be subject to the regulations of this section. The road fund shall be expended prior to or contemporaneously with the expenditure of any other public fund necessary for the construction of the necessary improvements.

7. Prior to the issuance of a building permit for any portion of a development, any right-of-way for local public roads within the development needed to provide s adequate access to the development shall be dedicated to the city by deed or plat or granted by easement.
8. Prior to the issuance of a certificate of occupancy for a principal building within a development, the developer shall construct to all applicable city standards all local roads, both public and private, that are internal to the development (either in total or in part as pre-approved phased construction plans) and necessary to provide safe and adequate access to the development.

G. *Adequacy of fire protection service.* Fire protection service is adequate to protect people and property in the proposed development; or fire protection service is not available, but there exists a fiscally feasible plan (which shall include collection of impact fees) to expand fire protection service to provide for the needs of the proposed development; and all development permits will be granted on the condition that the proposed development be restricted to coincide with the implementation of such plan. A finding that adequate fire protection service is available shall be based on a demonstration that adequate fire personnel and apparatus and an adequate water supply will be available to service the fire protection needs of the new development and that the location of the city's fire stations will provide fire service to the development within acceptable response time. The finding of adequacy shall assume payment of the impact fees provided for herein.

H. *Adequacy of police protection service.* Police protection is adequate to protect people and property in the proposed development; or police protection service is not available, but there exists a fiscally feasible plan (which shall include collection of impact fees) to expand police protection service to provide for the needs of the proposed development; and all development permits will be granted on the condition that the proposed development be restricted to coincide with the implementation of such plan.

I. *Public safety impact fees.* The provision of adequate fire and police protection is essential for the health and safety of the public and citizens of the City of Parkland. Without the imposition of an impact fee, the city will either, have to utilize additional general fund revenues to serve the demands of new development or experience a declining level of service as the current inventory of infrastructure serves additional new development. The impact fees set forth herein are based upon the study conducted by Willdan Financial Services dated September 12, 2019 (hereinafter referred to as the "study"), as amended from time to time (a copy of which is on file with the city clerk) which is based upon recent and localized data.

Public safety facilities impact fee is hereby imposed against all residential and nonresidential buildings constructed in the City of Parkland. Any application for a building permit in the City of Parkland shall be subject to the assessment of this fee. The impact fees shall be paid prior to receiving any building permits for a residential or nonresidential building in the City of Parkland and shall be paid based upon the schedule below. The fees shall be paid by the party applying for the building permit. No building permit shall be issued unless an impact fee imposed herein has been paid.

Public Safety Facilities Impact Fee	
Residential - Fee per Dwelling Unit:	
Single-Family	$1,814.00
Multifamily	1,223.00
Nonresidential - Fee per Square Foot:	
Commercial	0.46
Office	0.55
Industrial	0.18

J. *Adequacy of local parks and recreation facilities.* Land designated for residential development pursuant to the applicable land development regulations shall be designated to provide for the park, open space and recreational needs of the future residents of the development area and the necessary land developed to provide the necessary facilities to meet the level of service standards and needs of the population.

1. In order to provide lands or funds or both to be used to provide and develop community and neighborhood parks necessary to meet the needs for such local level parks created by (and to benefit) additional residential development within the city, a developer, prior to the issuance of a building permit for a principal residential building, must pay the following parks facilities impact fee based upon a minimum level of service standard of five (5) acres per thousand residents (and supported by the study, as amended from time to time, which is based upon recent and localized data):

Park Facilities Impact Fee

Residential - Fee per Dwelling Unit:	
Single-Family	$9,403.00
Multifamily	6,340.00

2. For planned residential developments and all residential developments in excess of ten (10) acres, the developer also shall, to the satisfaction of the city commission, identify the availability of five (5) acres of additional park, recreation and open space areas on site per thousand residents of the development which will meet local level park, recreation and open space needs attributable to the development. Such additional park, recreation and open space areas, may include the following:
   a. Fifty (50) percent of lakes or water bodies (on site) which at the narrowest point are at least seventy-five (75) feet wide.
   b. Private recreation and open space areas at least one-half (½) acre in size minimum.
   c. Public trails and paths outside of public rights-of-way.
   d. Commercial recreation (on site) which may be public or private at the option of the developer.
   e. Buffer areas and entrance treatments at least fifteen (15) feet width that are located along public roadways identified on the Broward County Trafficways Plan or the city's traffic element. For the purpose of this calculation, the developer shall be required to count and preserve environmentally sensitive areas.

   In the event that the developer cannot identify such additional park, recreation and open space level of service as set forth in subsection J.2., the developer must demonstrate to the satisfaction of the city commission that such deficiency can be mitigated by actions of the developer, which actions shall be reduced to a written agreement satisfactory to the city provided that the requirement to identify the additional five (5) acres in subsection J.2. shall not apply to the development of a single-family residence on a lot of record as of February 7, 1990 or developments of less than ten (10) acres.

K. *Adequacy of school facilities; school concurrency.* Land designated for residential development pursuant to the applicable land development regulations shall provide for the educational needs of the future residents of the developed area in accordance with the applicable requirements of the Broward County Land Development Code. All plats, replats, plat note amendments, findings of adequacy, or site plans with a residential component shall be subject to the public school concurrency requirements as set forth in subsection 5-182(m) of the Broward County Land Development Code, as amended from time to time, which regulations and requirements are incorporated herein by reference. The burden shall be on the applicant to ensure compliance with this section, and the applicant shall provide the necessary documentation from Broward County demonstrating satisfaction of these requirements.

L. *Adequacy of government buildings and library facilities.*
   1. Government buildings include: administrative buildings, public works buildings, maintenance buildings, storage buildings and similar facilities. Adequate government buildings are essential to the proper administration of municipal services. The buildings and land which house the municipal administration and legislative staff and personnel must be sufficient to adequately serve the proposed development considering any increase in staff requirements necessary to serve the proposed development. Adequacy of such government buildings is a precondition to the approval of any development permit.
   2. Libraries are an essential part of the educational and cultural enrichment of the community and facilities must be adequate to serve the entire population of residents, including new residents created by proposed development. These facilities must be sufficient to meet the needs of residents who will reside in new development as a condition of any development permit.
   3. The provision of adequate general government buildings and library facilities is essential for the existing/achieved level of service (LOS) for the citizens of the City of Parkland. The impact fees set forth herein are based upon the study, as amended from time to time, which is based upon recent and localized data.
   4. For the purposes of the government building and library impact fees, a building shall be considered any structure having a roof and four (4) walls or used or built for the shelter or enclosure of person, animals, chattels, or property of any kind.
   5. General government buildings impact fees. A general government buildings impact fee is imposed on all residential and nonresidential buildings constructed in the City of Parkland. Any application for a building permit in the City of Parkland subsequent to the effective date of the ordinance from which this chapter is derived shall be subject to the assessment of this fee. The impact fees shall be paid prior to receiving any building permits for a residential or nonresidential building in the City of Parkland and shall be paid based upon the schedule set forth below. The fees shall be paid by the party applying for the building permit. No building permit shall be issued unless the impact fee imposed herein has been paid.

General Government Facilities Impact Fee	
Residential - Fee per Dwelling Unit:	

Single-Family	$1,633.00
Multifamily	1,101.00
Nonresidential - Fee per Square Foot:	
Commercial	0.41
Office	0.50
Industrial	0.17

6. Library facilities impact fees. A library facilities impact fee is hereby imposed against all residential dwelling units constructed in the City of Parkland. Any application for a building permit in the City of Parkland subsequent to the effective date of the ordinance from which this chapter is derived shall be subject to the assessment of this fee. The impact fees set forth herein are based upon the study, as amended from time to time, which is based upon recent and localized data. The impact fees shall be paid prior to receiving any building permits for a residential dwelling unit in the City of Parkland and shall be paid based upon the schedule set forth herein. The fees shall be paid by the party applying for the building permit. No building permit shall be issued unless an impact fee imposed herein has been paid. Unless otherwise specifically provided for herein the fees imposed herein are not refundable.

Library Facilities Impact Fee	
Residential - Fee per Dwelling Unit:	
Single-Family	$936.00
Multifamily	631.00

M. *Adequacy of multipurpose trails and pedestrian circulation systems.*

1. The applicant shall provide a multipurpose system of access parallel to roads identified in the Broward County Trafficways Plan or shown in the city's transportation element. Where feasible, the trail system may be place in the right-of-way as a separate area for use by pedestrian, bicycle and equestrian traffic. Where not feasible in the right-of-way, the applicant shall dedicate the necessary property and construct the trail system abutting its property. To the extent feasible the trail shall contain the following elements:
   a. An eight-foot-wide path (either grass or mulch) for use by equestrian traffic; and
   b. A six-foot-wide concrete sidewalk.
2. In addition, connectors or links from the trafficways to parks, schools and other community facility land uses in the city shall be dedicated and constructed to the extent they are adjacent to the development in question. In order to provide a complete circulation system for the residents of the city prior to final plat approval or site plan approval, the developer shall designate and reserve for public use the necessary right-of-way and bond for the construction of the multipurpose recreational system necessary to provide access to the development along the rights-of-way set forth above. This dedication and construction requirement shall be set forth in the staff report to the planning and zoning board and the city commission.
3. Where an applicant claims that dedication or construction of the trail system or sidewalk as required herein is not feasible, not properly applied to applicant's development, or in any other way unenforceable, the applicant shall file an appeal directed specifically to this requirement with the planning and zoning director. The appeal shall set forth the complete basis, both factual and legal, for the request for relief from the requirement or other claim of entitlement to relief, exemption, or nonapplication of this provision, and shall be in accordance with the procedures for appeals of administrative decisions provided in section 55-1510, administrative appeals. Where the application must be approved by the city commission, the appeal shall be taken prior to city commission review of the application. In such case, the hearings of the development order application shall be suspended until such time as the administrative appeal is complete.

N. *Consideration of impact on environmentally sensitive lands.* If a proposed development includes all or any part of any lands identified as environmentally sensitive by the city's comprehensive plan or other adopted plan, whether said identification be site specific or by the inclusion of certain identified vegetation, the applicant shall submit to the city an environmental impact report identifying the effects that the proposed development would have on the unique natural

qualities and resources of the area. The report shall be prepared in accordance with procedures and standards established by the planning and zoning director. The application for plat or site plan approval may be approved subject to conditions established by the city commission which have been determined to be necessary to minimize any adverse environmental impact to be caused by the proposed development.

O. *Consideration of impact on aquifer recharge.* If a proposed development is located in a potable water well field cone of influence as identified by the city's comprehensive plan, the applicant shall design the development in a manner to protect the public water supply. Development shall follow the applicable SFWMD and Broward County standards. The proposed development shall be designed to provide adequate areas for the construction and maintenance of a water management system to serve the proposed development in a manner which conforms to sound engineering standards and principles.

(Ord. No. 2020-007, § 1, 9-14-2020)

Sec. 35-20. - Impact fee general provisions.

The impact fees set forth above are designed to represent the new development's proportionate share of the capital costs associated with providing necessary infrastructure capacity to serve the new development. The Florida Legislature has found, in F.S. § 163.31801, that impact fees are an important source of revenue for local government to use in funding the infrastructure necessitated by new growth. The City of Parkland concurs in these findings. The purpose of an impact fee is to assure new development pays its fair share for infrastructure which is necessitated by new growth and that the fees paid will benefit the new growth. The impact fees adopted are roughly proportional and reasonably connected to, and have a rational nexus with, the need for additional infrastructure capital facilities and the increased impact generated by new construction.

A. *Annual adjustment of fees.*

1. The city manager shall annually adjust the impact fees schedules provided herein by indexing the schedule to inflation as defined by the Engineering News Record, "Construction Cost Index," but no increase shall exceed five (5) percent in any year without a recalculation of fees and amendment to this chapter. The first indexing calculation adjustment shall occur during 2012-2013 budget year using the construction cost index for the previous budget year. The adjusted impact fee schedule shall be on file with the department of planning and zoning and city clerk.
2. Unless otherwise directed by the city commission, any adjustments to the general government buildings and library facilities impact fees made pursuant to this section, shall be effective October 1 of each calendar year.
3. If the construction cost index is discontinued or revised, such other government index or computation with which it is replaced shall be used in order to obtain substantially the same result as would be obtained if the index had not been discontinued or revised.

B. *Exemptions.* The following shall be exempted from the obligation to pay impact fees:

a. Any alteration, expansion or replacement of an existing non-residential building where the use of the structure is not changed and interior square footage is not increased; or the alteration, expansion or replacement of any existing residential building where interior square footage is not increased by more than thirty-three (33) percent for a residential building.
b. Government or public facilities owned by the federal, state, county or city government or the South Florida Water Management District where the building or facility is related to the operation of those entities.
c. Full or partial replacement (without any increase in size) of buildings destroyed by fire or act of God.

C. *Accounting.* The city shall provide for an annual accounting in reporting of all impact fee collections and expenditures. Said revenues and expenditures shall be contained in a separate accounting fund specifically created for the purpose of infrastructure needs and capital equipment for the specific impact fee collected. Any administrative charges related to the collection of impact fees shall be solely based upon actual cost.

D. *Audit.* The annual audit of financial statements of the City of Parkland that are submitted to the auditor general shall include an affidavit signed by the chief financial officer of the city stating that the city has complied with the requirements of F.S. § 163.31801, as amended from time to time; said affidavit shall be filed as prescribed by F.S. 163.3101.

E. *Expenditure of funds.* The city shall expend, or commit for expenditure, any impact fees received within seven (7) years of payment; if not expended or committed within that time frame the fees shall be returned to the feepayer upon request of the feepayer provided said request is made within three (3) months of the conclusion of the seven-year period and provided said refund contains an affidavit that the person requesting the refund is the owner of the property on behalf of which the impact fee was paid, together with evidence of payment of the fee. All funds expended shall be used for projects which benefit the development which paid the funds and for the purpose for which the particular impact fee was paid (libraries for library facilities fee and government buildings for government buildings fee etc.). Funds shall only be used for the acquisition, expansion or improvement of buildings, structures or real property, capital facilities, or equipment made necessary by the new development and needed to mitigate the impact of new development.

F. *Refund, credits, or other relief.*

(a) *Petition process.*

(1) Petitions for an impact fee determination, refund of impact fees or credit against impact fees shall be submitted using the petition process, requirements and time limits provided herein. All petition requests shall be accompanied by a fee of one hundred dollars ($100.00).

(2) All petitions shall be submitted to the city manager for processing and preparation of a staff report and recommendations by the appropriate staff on the petition. The final determination on the petition shall be issued by the city manager. The staff report and recommendations shall be

forwarded to the city manager no later than sixty (60) days after filing of a complete petition. The city manager shall, no later than ninety (90) days after filing of the complete petition, issue a written determination on the petition, with the reasoning for the determination, and, if needed, direct the appropriate city staff to take the actions necessary to implement the determination.

(3) The city manager, or authorized representative, is authorized to determine whether a petition is complete and whether additional data or supporting statements by an appropriate professional are needed for evaluation of the petition. Determination of the completeness of a petition is solely at the judgment of the city. If the city manager, or authorized representative, determines that the petition is not complete, a written statement identifying insufficiencies of the petition shall be provided to the petitioner within thirty (30) days of initial filing of the petition. The date of such written determination of insufficiency shall toll the time limits established in this section until submittal of a complete petition.

(4) Upon written agreement by the city manager and the petitioner, the time limits in this section may be waived for any reason, including, but not limited to, the submittal of additional data and supporting statements by the petitioner.

(5) The city manager's determination on a petition shall be based on the impact fee calculation methodology in the study and any other matters related to the claims set forth in the petition.

(6) Except as otherwise provided in this subsection, the filing of a petition shall stay action by the city on the application for building permit and any other city action related to the development. No building permit or other city action shall be issued for development for which a petition has been filed unless the total impact fees due, as determined by the city and including any applicable administrative charge, have been paid in full or a sufficient letter of credit satisfactory to the city attorney has been filed with the city.

(b) *Petition for impact fee determination.* Any applicant prior to or in conjunction with the submission of an application for a building permit or within thirty (30) days of the date of payment of impact fees, may petition the city manager for a determination that: i) the amount of the impact fees imposed on the new development is inappropriate based on any one (1) or more of the following reasons: the specific land use category applied to the residential or nonresidential development or based on the amount of development (dwelling units and/or gross square footage) used to calculate the impact fees or based on the service units, as identified in the technical report, to be generated by the applicant's new development as documented by studies and data supported by qualified experts, or ii) the impact fees are otherwise unlawfully imposed or are non-compliant with applicable law. The petition shall specify in detail the basis on which the applicant asserts that the amount of the impact fees is inappropriate or unlawful. The petition shall be on a form provided by the city and shall, at a minimum, include: identification of the disputed factor(s), a detailed statement asserting the basis for the dispute, the data relied upon by the petitioner, a detailed statement by a qualified professional engineer, planner or other appropriate professional, and, if filed after payment of impact fees, a dated receipt for payment of the impact fees issued by the city's building department. The applicant/petitioner shall be responsible for all costs incurred by the city in reviewing and evaluating the petition, including but not limited to, staff time and costs of outside consultants used at the discretion of the city. Failure to timely file a petition for impact fee determination shall waive any right to challenge, review or recalculate the impact fee payment.

(c) *Petition for refund of impact fees.*

(1) The current owner of property on which an impact fee has been paid may apply for a refund of such fee if:

(i) The city has failed to appropriate or spend the collected fees by the end of the calendar quarter immediately following seven (7) years after the date of payment of the impact fee;

(ii) The building permit for which the impact fee has been paid has lapsed for non-commencement of construction; or

(iii) The project for which a building permit has been issued has been altered resulting in a decrease in the amount of the impact fee due.

(2) Only the current owner of property may petition for a refund. A petition for refund must be filed within ninety (90) days of any of the above-specified events giving rise to the right to claim a refund. Failure to timely file a petition for refund shall waive any right to an impact fee refund.

(3) The petition for refund shall be submitted to the city manager on a form provided by the city for such purpose. The petition shall contain a notarized affidavit that petitioner is the current owner of the property; a certified copy of latest tax records for the City of Parkland showing the owner of the subject property; a copy of a dated receipt for payment of the impact fee on the subject property issued by the city's building department; and a statement of the basis upon which the refund is sought. In the case of any uncertainty regarding the petitioner's right to the refund, the petitioner shall be responsible for providing adequate documentation supporting petitioner's legal rights and agreeing to indemnify and defend the city against any other claims to the refund.

(4) Any money refunded pursuant to this subsection shall be returned with interest at the rate of two (2) percent per annum.

(d) *Petition for credits against impact fees.*

(1) Any applicant, as defined in this article, who elects to construct or dedicate all or a portion of a system improvement, as defined in this article, or, who escrows money with the city for the construction of a system improvement, may, if all criteria in this article and this subsection (d) are fulfilled, be granted a credit for such contribution against the impact fees otherwise due for the same type of system improvement. The applicant must, prior to the applicant's construction, dedication or escrow of the system improvement, submit a petition on a form provided by the city, obtain a determination of credit eligibility and the amount of any credit, and enter into a credit agreement with the city.

(2) The petition for credit shall contain, at a minimum, the following: a certified copy of the most recently recorded deed for the subject property, preliminary engineering plans and certified cost estimates by an architect, engineer or other appropriate professional for the proposed

improvement, legal description of any land proposed to be contributed, proposed schedule for completion of any construction/dedication, identification of the proposed improvement in the current adopted city capital improvement plan and the amount of impact fee funding for the improvement, and identification in detail of the development against which the credits are to apply or which will pay the impact fees to be used for the credit, including the land use type(s), number of units/gross floor area, anticipated development schedule, and legal descriptions of the subject property. The applicant/petitioner shall be responsible for all costs incurred by the city in reviewing and evaluating the petition, including but not limited to staff time and costs of outside consultants used at the discretion of the city. Any appeal of petition determinations on credits must be filed, heard, and determined prior to the applicant's construction, dedication or escrow for which the credit is requested. Failure to timely file a petition for impact fee credits shall waive any right to impact fee credits.

(3) If it is determined that the system improvement is in the adopted, current city capital improvements plan and is funded in whole or in part with city impact fee revenue, the city manager shall determine the appropriate amount of the credit. The amount of the credit provided shall be based on actual costs certified by a professional engineer or architect submitted by the applicant and reviewed and approved by the appropriate city department. In no event shall the credit exceed the amount of impact fees budgeted for that system improvement or the amount of the impact fees for the same type of system improvements that are due from the development requesting the credit, whichever amount is smaller. If the impact fees due exceed the amount of credit, the applicant shall pay the impact fees due less the credit at the time of issuance of the building permit.

(4) If a credit petition is approved, the applicant and the city shall enter into a credit agreement which shall provide for, but is not limited to, the following: the process to be used to verify actual costs, the value of any dedicated land or methodology to determine the value of any dedicated land, the obligations and responsibilities of the applicant, including but not limited to: (i) public bidding requirements, (ii) engineering, design and construction standards and requirements to be complied with, (iii) insurance and indemnification requirements, (iv) project inspection standards and responsibilities, (v) timing of the actions to be taken by the applicant, (vi) transfer of title to land and improvements, (vii) process for submittal of credit payment requests, and (viii) timing of payments by the city. No impact fee credits shall be given or provided until any land has been dedicated and conveyed to the city or the facilities have been constructed and accepted, or alternatively, until a bond has been posted to ensure the conveyance or construction.

(5) The city's obligation to give impact fee credits shall be limited to the impact fees collected from the development for a period not to exceed seven (7) years from the date of approval of the agreement. The credit agreement shall provide for forfeiture of any impact fee credit remaining at the end of such seven-year period. The credit applicant shall agree to provide recorded notice to subsequent purchasers/owners of the property regarding the credit, if any, that may be available to such purchasers and shall agree to indemnify the city for any and all costs and liabilities arising from any claims by others related to the impact fee credit.

(e) *Appeal to city commission.*

(1) A petition determination by the city manager shall be final unless a written notice of appeal to the city commission is filed with the city manager within twenty (20) days of the date of the written determination by the city manager, together with payment of a one hundred fifty dollar ($150.00) fee. Such appeal may be filed by the applicant, the petitioner, or by any officer, department, board, commission, or agency of the city. Failure to timely file a request for review of a petition determination shall waive any right to further review of the petition determination.

(2) Appeals shall be filed on a form provided by the city and accompanied by ten (10) copies of all documents for consideration by the commission, including but not limited to, the petition submittal and all accompanying documents, the petition determination, any additional documents, exhibits, technical reports, or other written evidence the appellant wants the commission to consider. The appeal must include the names of all witnesses, including experts that will testify in support of appellant's appeal, with a summary of the testimony of each witness or expert. Should the appellant want to submit additional written material after the initial filing of notice of appeal, ten (10) complete copies of such material shall be submitted to the city manager no later than thirty (30) days prior to the hearing date. If any material is submitted after that date, the commission shall reschedule the hearing to a later date to provide adequate time for review of the material by city staff and the city manager notwithstanding any time periods established under this article.

(3) The commission on review shall have full power to affirm, reverse, or modify the action of the city manager so long as such commission action is based on applicable law and the provisions of this article. The appeal shall be heard by the commission not more than ninety (90) days after the appeal is filed by the appellant, unless the appellant and city manager agree in writing to a later time or the appellant submits additional written material less than thirty (30) days prior to the hearing. The decision of the commission shall be by resolution.

(4) If a person decides to judicially appeal any decision made by the city commission, such person may need a record of the proceedings, and for such purpose the person may need to ensure that a verbatim record of proceedings is made which record includes the testimony and evidence upon which an appeal is to be based.

(f) *Use of funds collected.* Impact fees collected pursuant to this article shall be expended only for the type of system improvements for which the impact fee was imposed. Impact fees shall be expended only on system improvements related to the demand generated by new development. Impact fees shall not be expended to eliminate any deficiencies in facilities, land or equipment related to existing development or that may result from adoption of an increased level of service. The funds collected by reason of this article shall be used exclusively for the purpose of undertaking system improvements

or for financing directly, or as a pledge against bonds, revenue certificates and other obligations of indebtedness, the costs of system improvements. Impact fees shall be appropriated or expended by the end of the calendar quarter immediately following seven (7) years after the date of payment of the impact fee or such impact fees shall be subject to refund as set forth above.

(g) *Judicial Challenge.* Should a court of law finally determine that any impact fee imposed pursuant to this article is invalid for any reason, then the impact fees previously in existence shall be applicable.

(Ord. No. 2020-007, § 1, 9-14-2020)

Sec. 35-30. - Traffic study review process.

In the event that a traffic study is required, same shall be reviewed by a professional traffic engineer as a cost recovery item pursuant to article XI "cost recovery program" of chapter 2, "administration," chargeable to the applicant. The review shall determine the accuracy and completeness of the traffic study or other outstanding traffic issues not properly addressed by the applicant. The failure of the traffic study to evidence compliance with all city requirements shall be grounds for denial of a rezoning, plat, master plan, or site plan.

(Ord. No. 2020-007, § 1, 9-14-2020)

Sec. 35-40. - Impact analysis report.

A. *Impact analysis report.* An impact analysis report meeting the requirements of this section shall be submitted to the city in conjunction with an application for any development order for rezoning, plat approval, master plan or site plan approval.

B. *Review procedure.*

1. The impact analysis report shall be submitted to the planning and zoning director by the owner or authorized agent of the owner of the parcel of land which is the subject of the application for development approval. The impact analysis report for the parcel of land which is the subject of the application for development approval shall be revised as necessary in conjunction with the subsequent requests for development approval for that parcel of land pursuant to this section to reflect the facts and circumstances applicable to that time.
2. The planning and zoning director shall prepare an administrative report, in accordance with the procedures set forth in of this section, on the application for development approval and the impact analysis report and shall transmit both reports to the planning and zoning board.

C. *Contents of impact analysis report.* The impact analysis report shall contain the information necessary to evaluate the application for development approval in order to determine consistency with the city's comprehensive plan and compliance with the development review requirements set forth in this chapter, compliance with the concurrency requirements set forth herein and the levels of service set forth in the comprehensive plan and, additionally, with the applicable requirements set forth for site plans and plats in this section and the requirements of this chapter. The impact analysis report shall include the following information relative to the parcel of land which is the subject of the application for development approval in the level of detail appropriate for the type of permit requested as determined by the city (i.e., zoning, platting or site plan):

1. Existing land use and zoning map.
2. Vegetation survey of the property, including general vegetation, trees, and areas determined to be environmentally sensitive and/or wetlands as identified by the city's comprehensive plan.
3. An aerial which includes the property.
4. A location map including:
   a. Adjacent land uses;
   b. Adjacent zoning;
   c. Adjacent existing use;
   d. Adjacent existing roads;
   e. Existing rights-of-way;
   f. Proposed rights-of-way.
5. An analysis of each of the elements contained in section 35-10, concurrency requirements for level of service, which demonstrates how each requirement will be met by either the applicant or the appropriate governmental body, including service availability letters from all applicable governments, agencies or private providers.
6. Depending on the type of developmental approval sought (i.e., zoning, platting or site plan), information as determined by the city relating to the proposed use of the property, including the size of the parcel, the number of units, the square footage of the building floor area of nonresidential uses, the height of the buildings and the type of use.
7. Traffic statement or traffic study. A traffic statement shall be required for any development which is anticipated (based upon accepted ITE assumptions) by the city to generate between two hundred (200) and five hundred (500) daily peak hour trips. A traffic study shall be required for any development which produces more than five hundred (500) daily peak hour trips. The traffic study shall detail the impacts on all public roads and intersections for the following

areas; within one-half (½) mile of the radius of the site plan or plat where the trip generation is between five hundred (500) to one thousand (1,000) daily peak hour trips and one (1) mile where the trip generation is in excess of that amount (provided the area is within the city or unincorporated Broward County bound on three (3) or more sides by the city). In all other instances, the planning and zoning director or his or her designee shall have the authority to require a statement when the director determines that it is in the best interest of the city to do so.

8. For all nonresidential applications, an analysis of the noise, odor, traffic, and visual impacts of the proposed development on residential neighborhoods located within five hundred (500) feet of the boundaries of the lot or parcel on which the development is located.
9. Broward County School Board impact information letter required.
10. The planning and zoning director may require such additional information as he/she determines is necessary to evaluate the application.
11. In the event that the applicant owns (either legally or equitably) or controls (by either contract, option or lease for thirty (30) years or more) additional land within the city or adjacent unincorporated lands (additional land), the following additional information concerning such additional land shall be provided as part of the impact analysis report in the level of detail appropriate for the type of permit requested as determined by the city (i.e., zoning, platting or site plan):
    a. Delineation of the geographical area.
    b. General schematic representation of the land uses and densities.
    c. Points of connection of the local roads to the trafficways.
    d. Depiction of the trafficways (as shown on the Broward County Trafficways Plan as it may be amended from time to time) adjacent to or within additional land showing the existing right-of-way, the proposed right-of-way and the existing level of construction as shown on the adopted Broward County Long-Range Plan.
    e. General description of any community facilities needed to service the proposed development, including but not limited to parks, schools, public safety, community centers and municipal complexes.
    f. Schematic depiction of surface water management elements, including schematic retention areas and the points of connection to the secondary and primary canal systems.
    g. Information concerning the location of water and wastewater treatment facilities and the method of providing these services.
    h. Location of any land determined by the city to be environmentally sensitive.

(Ord. No. 2020-007, § 1, 9-14-2020)

Sec. 35-50. - Proportionate fair-share mitigation for local roadways.

A. *Applicability.* In order to establish a method whereby the impacts of development on transportation facilities can be mitigated by the cooperative efforts of the public and private sectors, there shall be a program known as the proportionate fair-share mitigation program (the "proportionate fair-share mitigation program"), as required by and in a manner consistent with F.S. § 163.3180(5). The fair-share mitigation program shall apply to all developments in the city that have been notified of a lack of capacity to satisfy city transportation concurrency.

B. *Determining proportionate fair-share obligation.*
    1. Proportionate fair-share mitigation for concurrency impacts may include, without limitation, separately or collectively, private funds, contributions of land, and construction and contribution of facilities.
    2. A development shall not be required to pay more than its proportionate fair-share. The fair market value of the proportionate fair-share mitigation for the impacted facilities shall not differ regardless of the method of mitigation.
    3. The methodology used to calculate an applicant's proportionate fair-share obligation shall be as provided for in F.S. § 163.3180(5).
    4. For the purposes of determining proportionate fair-share obligations, the cost shall include all improvements and associated costs, such as design, rights-of-way acquisition, planning, engineering, inspection, and physical development costs directly associated with construction at the anticipated cost in the year it will be incurred. The cost shall be based upon the cost estimate contained in the capital improvement element ("CIE") as determined by the public works department. Where such information is not available, improvement cost shall be determined using the following method:
        a. If the city has accepted an improvement project proposed by the applicant, then the value of the improvement shall be based on an engineer's certified cost estimate provided by the applicant and approved by the planning director and city engineer.
        b. If the city has accepted right-of-way dedication for the proportionate fair-share payment, credit for the dedication of the non-site-related right- of-way shall be valued on the date of the dedication at one hundred twenty (120) percent of the most recent assessed value by the county property appraiser or, at the option of the applicant, by fair market value established by an independent appraisal approved by the city and at no expense to the city. The applicant shall supply a drawing (both hard copy and electronic version) and legal description of the land and a certificate of title or title search of the land to the city at no expense to the city. If the estimated value of the right-of-way dedication proposed by the applicant is less than the city estimated total proportionate fair-share obligation for that development, then the applicant must also pay the difference. Prior to purchase or acquisition of any real estate or acceptance of donations of real estate intended to be used for the proportionate fair-share, public or private partners should contact the Florida Department of Transportation ("FDOT") for essential information about compliance with federal law and regulations.

C. *Proportionate fair-share agreements ("agreements").*

1. No proportionate fair share agreement will be effective until approved by the city commission. The city commission shall approve proportionate fair share agreements if it is in the best interest of the public safety, health and welfare of the city.
2. Upon the applicant's execution of a proportionate fair-share agreement, project approval and issuance of the first development order, the applicant shall receive a certificate of concurrency. Should the applicant fail to apply for a building permit within eighteen (18) months of the execution of the agreement, then the fair-share agreement shall be considered null and void, and the applicant shall be required to reapply.
3. Payment of the proportionate fair-share contribution is due in full prior to issuance of the final development order or recording of the final plat and shall be nonrefundable unless a development order is abandoned following approval of an applicant's formal request to rescind approval of the applicant's preliminary or final development order, or the application expires, and the funds paid for the proportionate fair share contribution, including any impact fee credits, have not been used for their intended purpose, and no development has occurred on the applicant's proposed development site.
4. All developer improvements authorized under this section must be completed prior to issuance of the first development permit, or as otherwise established in a binding agreement that is accompanied by a security instrument that is sufficient to ensure the completion of all required improvements. Any required improvements shall be completed before issuance of building permits or certificates of occupancy.
5. Dedication of necessary right-of-way for facility improvements pursuant to a proportionate fair-share agreement must be completed prior to issuance of the first development order or recording of the final plat.
6. Any requested change to a development project subsequent to a development order may be subject to additional proportionate fair-share contributions to the extent the change would generate additional traffic that would require mitigation.
7. The city may enter into proportionate fair-share agreements for selected improvements to facilitate collaboration among multiple applicants on improvements to a shared transportation facility.
8. Proportionate fair-share agreements shall contain a provision setting forth the amount of impact fee credit if applicable.
9. No proportionate fair-share agreement or development agreement shall be amended by the applicant, or by any agency, except by application by the applicant, or by a government agency desiring an amendment, to the planning director to amend the agreement, which application shall be reviewed by the city's development review committee and which application shall be properly noticed and heard by the planning and zoning board and city commission through the same process established for amendment of the application with which the development agreement is associated.
10. Independent negotiations of changes in proportionate fair-share agreements or development agreements outside of the process established in this subsection is hereby prohibited. Such agreements shall not be amended by other agreements required, authorized, or otherwise permitted by state law and this Code. Reviewing agencies are required to address their concerns to the development review committee, and shall not postpone their participation to a time after the development proposal is approved.
11. The city attorney shall review all proposed amended proportionate fair-share agreements and all proposed amended development agreements for legal sufficiency, and ensure that they are legally enforceable before they are presented to the city commission for approval. The applicant is responsible for all fees associated with the city attorney reviewing all agreements. Separate agreements that are not titled proportionate fair-share agreements or development agreements shall be consistent with the approved proportionate fair-share agreement and development agreement, and shall not be used to amend an approved proportionate fair share agreement or development agreement outside of the process herein established.

D. *Appropriation of fair-share revenues.*

1. Proportionate fair-share revenues shall be placed in the appropriate project account for funding of scheduled improvements in the city's CIE, or as otherwise established in the terms of the proportionate fair-share agreement. At the discretion of the city, proportionate fair-share revenues may be used for operational improvements prior to construction of the capacity project from which the proportionate fair-share revenues were derived.
2. In the event a scheduled facility improvement is removed from the CIE, then the revenues collected for its construction may be applied toward the construction of another improvement within that same roadway that would mitigate the impacts of development pursuant to the requirements in subparagraph 3.
3. If the funds allocated for the five-year schedule of capital improvements in the city's CIE are insufficient to fully fund construction of a transportation improvement required by the CMS, the city may still enter into a binding proportionate fair-share agreement with the applicant authorizing construction of that amount of development on which the proportionate fair-share is calculated if the proportionate fair-share amount in such agreement is sufficient to pay for one (1) or more improvements which will, in the opinion of the governmental entity or entities maintaining the transportation facilities, significantly benefit the impacted transportation system. The improvement or improvements funded by the proportionate fair-share component must be adopted into the five-year capital improvements schedule of the comprehensive plan at the next annual capital improvements element update.

(Ord. No. 2020-007, § 1, 9-14-2020)

Sec. 35-60. - Installation of improvements; agreements.

A. *Installation of improvements.*

1. All improvements required from the developer as a condition to the approval of an application for a development permit shall be installed and completed

before the issuance of a building permit. Any water, sewer, drainage or irrigation lines proposed or required to be constructed within the paved portion of a proposed road right-of-way shall be installed and completed before acceptance of any proposed or required road improvements by the city.

2. As an alternative to all required improvements being installed and completed prior to the issuance of a building permit and provided that all other applicable requirements of this section are met, at the sole option of the city, the applicant may provide, in a form acceptable to the city, a cash bond or an irrevocable letter of credit in a form acceptable to the city and in sufficient amount to ensure the completion of all required improvements within a reasonable period of time or before the issuance of certificates of occupancy as required by the commission and expressed in the bond or other security.
    a. The city is authorized to enforce such bonds, security deposits or other collateral agreements by appropriate legal proceedings. If the required improvements have not been completed prior to issuance of a certificate of occupancy or as otherwise specifically indicated in the terms of such bond or other security, the city may thereupon declare the bond or other security to be in default. In addition to the city's authority to enforce agreements under this subsection, no certificate of occupancy shall be issued prior to the actual construction and installation of improvements provided for in the agreement unless expressly authorized in the agreement.
    b. With respect to improvements required by this section where such improvements are required by and bonded to any appropriate unit of local government, the city shall not require duplicate bonds or additional bonds if the city is listed as an additional obligee unless it determines that the bond or security already required is inadequate to assure completion of such required improvements. Where such improvements are not required to be bonded to any other appropriate unit of government, said security shall be payable to the city. Provided, however, with respect to improvements that will be installed, owned and maintained by any other unit of local government, the city shall not require bonds or security.
    c. The amount necessary to secure required paving, grading and drainage improvements shall be based upon approved plans for those improvements necessary for the portion of the development for which an application for a development permit has been filed and a registered professional engineer's cost estimate submitted by the applicant and approved by the city. Required improvement plans shall conform to all applicable standards. The construction plans shall be approved by the city engineer, and all necessary permits shall be obtained. The applicant shall provide security in an amount which is twenty (20) percent greater than the estimated cost of the required improvements. No security shall be accepted nor construction commenced until the provisions set forth in this subsection have been satisfied.
    d. The amount necessary to secure required pavement markings and signing improvements shall be based upon approved plans for those improvements. The pavement markings and signing improvement plans shall conform to the Manual on Uniform Traffic Control Services. No security shall be accepted nor construction commenced until the provisions set forth in this subsection have been satisfied.

B. *Agreements.* The city commission is authorized to enter into developers agreements as provided for in F.S. §§ 163.3221 through 163.3241, as amended from time to time solely for the purpose of giving the city the option of using this process but not in lieu of the city's home rule powers to enter into agreements related to development matters.

(Ord. No. 2020-007, § 1, 9-14-2020)

ARTICLE 40. - SITE PLAN PROCEDURES

Sec. 40-10. - Site plan requirements.

A. *Generally.*

1. A site plan shall be required as a precondition to development in any zoning district of the city, including but not limited to grading; excavating; dredging; filling; installation of roads and utilities incidental to construction; interior building alterations that increase the number of residential units, business/tenant spaces, or otherwise increase the off-street parking and loading requirements under article 90 of this chapter, "off-street parking and loading," and whenever required by other provisions of this Code.
2. A site plan shall not be required for the following activities:
    a. Interior renovations to a nonresidential building, or portion of such building, provided that the renovation does not require the addition of parking or loading spaces on site in order to satisfy the requirements for same in article 90 of this chapter, "off-street parking and loading."
    b. Reduction in size of a structure.
    c. Demolition of a structure.
    d. Road maintenance activities, which require issuance of an engineering permit.
    e. Construction of or additions to one (1) single-family residential dwelling unit which is not within a planned unit development.
    f. Signs, unless the signs are part of a new building or development which requires site plan approval.
    g. Driveway and fence revisions for single-family buildings.

(Ord. No. 2015-09, § 2(Exh. A), 9-21-2015)

Sec. 40-20. - Site plan approval, generally.

A. *Site plan submittal and review.* The planning and zoning director shall review the site plan application and all support documents for completeness. The planning a zoning director shall notify the applicant of any deficiencies in the application or support documents and specify any additional requirements to be met and supplemental information required to be submitted for review. Once the planning and zoning director has determined that the application and supporting materi complete, the application and supporting materials shall be distributed for DRC review. Following review and recommendation by the planning and zoning directo DRC in accordance with the requirements of section 30-10, administration; generally applicable procedures, the site plan application shall be scheduled for review planning and zoning board. The notice and hearing procedures of said section shall apply.

B. *Planning and zoning board review; city commission review.* Following review and recommendation by the planning and zoning board, the site plan shall be scheduled for review by the city commission. The city commission, as applicable, shall approve, approve with conditions or deny the proposed site plan based upon the standards for review contained in subsection D. All decisions of the city commission shall be made following a quasi-judicial public hearing unless said procedures are waived by the applicant and any interested and affected party in attendance at the city commission meeting and who notes his/her attendance for the record at the meeting at which the application is heard. The notice and hearing procedures of section 30-10, administration; generally applicable procedures, shall apply.

C. *Contents of application for site plan approval.* An application for site plan approval shall include, at a minimum, the following information:

1. Boundary survey and topographic survey signed and sealed by a professional surveyor and mapper registered in the State of Florida, with elevations provided on a one-hundred-foot grid, including natural features and improvements and their current use, top of bank and edge of water for all water bodies and water courses, the location of utility lines within and adjacent to the site, adjacent and internal rights-of-way width and dedication information, pavement location and width, and all easements and reservations of record. If there are existing improvements on the property, they shall be depicted and dimensioned.
2. Tree survey performed by a registered surveyor in conjunction with a registered landscape architect, Florida Certified Arborist or other qualified professional acceptable to the city.
3. Proposed land uses with a depiction of size, location and height of structures with dimensions to lot lines.
4. Vehicular circulation system for cars and other required vehicle types with a depiction of connection to traffic ways. The vehicular circulation system shall provide for smooth, efficient and logical traffic-flow patterns both on and off site.
5. Multipurpose trails and pedestrian circulation systems shall be consistent with the parks and recreation element of the comprehensive plan.
    a. Provider of water and wastewater facilities.
    b. Existing and proposed fire hydrant locations and water main sizes.
    c. The following computations:
        1. Gross acreage.
        2. Net acreage. Gross acreage covered by the property, excluding road easements and rights-of-way if any.
        3. Number of dwelling units by number of bedrooms (if known) and density for residential uses only.
        4. Square footage of ground covered by buildings or structures.
        5. Required number of parking spaces.
        6. Number of parking spaces provided.
        7. Building height.
6. Direction of drainage flows and retention/detention facilities and the location of all drainage features.
7. Indication of significant native vegetation stands and those portions that will be preserved.
8. Phasing plan, if applicable, with beginning and ending dates of construction of the entire project and beginning and ending dates for all phases of the project.
    a. Building separations.
    b. Location of all parking and loading areas.
    c. Preliminary sewer and water plans, including existing locations and water main sizes.
    d. Location of trash and garbage disposal system and provisions for accessibility to garbage trucks. The site plan must include the depiction of adequate architectural screening of all trash and garbage disposal systems.
    e. Where applicable, loading areas and provisions for accessibility to vehicles of the required type.
    f. Areas for emergency vehicles and fire engines and provisions for accessibility to vehicles of the required type.
    g. Computation of pervious and impervious areas in square footage and percentage, with synthetic turf areas, if any, specifically identified and measurements provided in both square footage and percentage.
    h. Location of all paved areas, including centerlines, dimensions, radii and elevations.
    i. Building floor plans for all development other than a single-family home development.
9. Site landscape plan in accordance with article 95 of this chapter, "landscaping and vegetation." For single-family residential developments, the landscape

plan shall include only common areas, and areas abutting trafficways shall be reviewed and comply with the parklike setting requirements of this section.

10. Site lighting plan.
11. Proposed building materials and colors.
12. Front, side and rear elevations of all buildings showing concealment of all mechanical or accessory equipment located on the roof.
13. If determined by the planning director to be necessary, a traffic study performed by a registered traffic engineer.
14. Evidence of ownership of the property.
15. Location, character, size, height and orientation of proposed signs, including building signage details shown on plan elevations and method of illumination.
16. In addition to the data required above, the applicant for site plan approval for all development other than a single-family residential development shall provide to the city for presentation before the planning and zoning board and the city commission a colored and mounted rendering and colored elevations of the project which accurately depict the proposed development upon completion. The rendering and elevations shall be reduced to eight and one-half (8½) × eleven (11) inch photos and be retained by the city with paint chips for each color for the purpose of comparing the completed development with the rendering and elevations approved by the city commission.

D. *Review criteria.* The site plan application, including, but not limited to, elevations, floor plans, renderings, building materials, building colors, size and design of any signs, landscaping, water bodies, and natural features shall be evaluated by the planning and zoning director, DRC, planning and zoning board and the city commission, as applicable, pursuant the following criteria:

1. *Architectural and landscaping review criteria:*
   a. Consistency and harmony with the design of the existing and approved development in the area. No site plan shall be approved by the city commission unless the site plan is compatible, as that term is defined herein, with adjacent zoning and land use plan map designations, approved plats, and existing (conforming) land uses, including occupied residential areas.
   b. The extent to which the project design contributes to and enhances the quality of development within the city and is consistent with the intent of this section.
   c. The extent to which the design of the project is consistent with sound and accepted architectural, planning and engineering principles.
   d. The extent to which the overall landscape design of the project, as viewed from the abutting trafficway, arterial and/or collector, conforms to a park-like setting requirements set forth in section 95-1505, "park-like setting":
2. *Commercial design standards.* All site plans for nonresidential development shall conform to the commercial design standards of section 75-160, signage for commercial centers, of this chapter.
3. *Traffic circulation and impacts.* All site plans shall provide for efficient and convenient on-site traffic circulation and the impacts of the development on off-site traffic flow shall provide for a safe and efficient traffic flow on streets and roads abutting the property upon which the development is located. Safe and adequate access to the development shall be affirmatively demonstrated by the plan. To the fullest extent feasible, ingress and egress to the site shall be designed so as to minimize impacts on abutting streets and roadways and adjacent neighborhoods, promote pedestrian ingress and egress, and avoid danger to pedestrian, bicycle, and equestrian traffic; any negative impacts shall be mitigated as part of the site plan.
4. *Consistency with land development code and the comprehensive plan.* No site plan shall be approved which is inconsistent with any provision or requirement of this chapter or the comprehensive plan of the city.
5. *Compatibility.* The site plan shall be compatible with adjacent zoning, approved plats and existing (conforming) land uses, including occupied residential areas, and shall determine whether the proposed site plan is compatible with these land uses and whether the development as presented will enhance the quality of life in the city and promote the health, safety and welfare of its citizens and promote the city's village atmosphere.

[E.] *[Reserved.]*

F. *Requirements for the issuance of a certificate of occupancy.* No certificate of occupancy shall be issued for any building within a development unless the building and associated improvements conform with the approved site plan, and all conditions of approval for the development applicable to of issuance of the certificate of occupancy, and all concurrency requirements imposed on the development permit have been completely satisfied.

G. *Effective period of site plan approval.* A final site plan which has been approved pursuant to the provisions of this Code shall be void (as shall any variances and conditional uses approved concurrently) after a period of eighteen (18) months following the date of approval unless a building permit for a principal building has been issued and construction (pouring of the foundation) has begun. After the issuance of a building permit for the principal buildings and after construction has begun, the site plan approval shall remain in effect until the completion of the development; provided, however, that the site plan approval shall expire if there are no active building permits in effect for the development for a consecutive period in excess of one (1) year and ninety (90) days. The city commission may grant one (1) extension of the time period of site plan approval of up to eighteen (18) months. At least sixty (60) days prior to the date of expiration of the original site plan approval, the applicant shall submit the extension request. Provided that the city commission finds that the applicant has demonstrated good cause for the delay in obtaining building permits and the applicant is not in violation of any condition of the site plan approval, a six-month extension of the site plan approval period may be granted.

H. *Site plan amendment.* Modifications to an approved site plan must be submitted pursuant to the review and approval procedure required for an initial site plan application, unless the planning and zoning director determines that the modification does not constitute a substantial change from the previous approval, and

qualifies for city commissioner call-up procedure pursuant to section 30-10, administration; generally applicable procedures.

l. *Continuing obligation to comply with conditions of approval.* All conditions that the city commission makes part of approval of a site plan shall be deemed requirements of this Code; such requirements shall be binding. All representations, drawings, elevations, or other submissions made as part of an approved site plan shall also be deemed Code requirements. The violation or failure to adhere to an approved site plan in strict compliance with the above, or the failure to maintain all landscaping and building facades in accordance with the approved site plan shall be a violation of this Code. Should the developer who obtains site plan approval, and/or a homeowners association who has authority over any area within the site plan approval, execute a maintenance agreement related to the site plan property or abutting swales or medians, then that maintenance agreement shall be deemed part of the site plan approval, and the failure to comply with said agreement in each and every respect shall be deemed a violation of this section. In addition, violation of any requirement of a rezoning ordinance, master plan, plat, or site plan by a developer having unified control over any portion of the property subject to the rezoning ordinance, master plan, plat, or site plan shall also be grounds for the city to withhold all development permits and suspend existing development permits until the violation is cured. All agreements entered into by an applicant related to a rezoning, master plan, plat or site plan shall be considered requirements of said approval and a violation of said agreement shall be treated the same as a violation of this Code in the manner set forth above. Where a homeowner's association has succeeded the developer of a development subject to a master plan, site plan, or maintenance agreement, the homeowner's association shall be responsible for all requirements of the master plan, site plan or maintenance agreement.

(Ord. No. 2015-09, § 2(Exh. A), 9-21-2015; Ord. No. 2020-016, § 4, 11-18-2020)

ARTICLE 45. - PLATTING AND SUBDIVISIONS

Sec. 45-10. - Purpose and intent.

A. *Intent.* The public health, safety, comfort and welfare requires the harmonious, orderly and progressive development of land within the city. It is the further intent of this article to secure:

1. The establishment of standards of subdivision design which will encourage the development of a sound and economically stable community, and the creation of healthy living environments.
2. The efficient, adequate and economic supply of utilities and services to land development.
3. The prevention of traffic hazards and the provision of safe and convenient vehicular and pedestrian traffic circulation in land developments.
4. The provision of public and private open spaces in land developments for recreation.
5. Consistency with the goals, objectives and policies of the comprehensive plan of the city.
6. Site design respecting environmental characteristics of the site, and preservation of such characteristics to the maximum degree possible.

(Ord. No. 2015-09, § 2(Exh. A), 9-21-2015)

Sec. 45-20. - Applicability.

A. *Plat required.* No building permit shall be issued for any principal building constructed on a parcel of land in the city unless a plat, including the parcel of land, has been recorded in the public records of the county. The exception to this mandatory platting requirement is as follows:

1. Construction of two (2) or fewer residential dwelling units. Applications for two (2) or fewer residential dwelling units on property under the same ownership, within five hundred (500) feet of property exempted within the past twelve (12) months, shall not be exempt; or
2. Construction on any multifamily or nonresidential lot or parcel which is less than five (5) acres in size and specifically delineated on a plat recorded on or before June 4, 1953;
3. A building permit may be issued for an essential governmental facility subject to the requirements and conditions set forth in the Broward County Administrative Rules Document article 7, section 7.3, as amended;
4. Where a building permit is exempt from platting pursuant to the above requirements the building permit shall be subject to all of the following:
    a. Compliance with the city's land development regulations; and
    b. Any land within the lot or parcel which is necessary to comply with the Broward County Trafficways Plan has been conveyed to the public by deed or grant of easement.

(Ord. No. 2015-09, § 2(Exh. A), 9-21-2015)

Sec. 45-30. - General requirements.

A. The city commission shall not approve for recordation in the official records any plat of land that is not in compliance with the land development code and comprehensive plan.

B. All property received by the city as part of a land dedication for parks, recreation, and open space, as well as other municipal purposes which is within the area

being platted by the developer, shall be dedicated as part of the plat to the city.

C. A permit shall not be issued for the installation of infrastructure or required improvements for any parcel of land unless the final plat has been approved in a manner prescribed in this article or the property satisfies one (1) of the platting exemptions set forth in this section.

D. Unless an application for site plan approval is submitted in conjunction with the application for plat approval or the development is restricted to certain uses and intensities by plat note or a recordable agreement specifying the nature and scope of the proposed plat, a development shall be assumed to incur the maximum impact allowed under the applicable zoning district.

(Ord. No. 2015-09, § 2(Exh. A), 9-21-2015)

Sec. 45-50. - Subdivision design standards.

A. *Utilities.* Utilities, including franchised utilities, electric service, telephone, cable TV, water, sewer and gas, shall be constructed and installed beneath the surface of the ground; provided, however, that this section is not applicable to the erection on the ground or flush to the ground of transformers, pull-boxes, service terminals, pedestal-type telephone terminals, telephone splice closures or other similar on-the-ground facilities normally used with, and as a part of an underground distribution system; nor to main feeder electric lines, the principal purpose of which is delivering power between substations or from substations to local single-phase distribution systems. The following requirements shall apply:

1. It is the intent of this section, in the case of electric power, that the underground requirement is applicable to the underground systems set forth by the standards of the electric utility involved, using single-phase primary laterals, secondary and services necessary to serve a subdivision.
2. The developer shall make the necessary cost and other arrangements for such underground installation with each of the utilities involved.
3. Utilities shall be constructed in rights-of-way or easements, where possible, as set by the minimum construction and design standards. Easements shall be provided for utilities as required, and shall be dimensioned and located in accordance with the requirements of service provider. Additionally, easements of a minimum of ten (10) feet wide shall be provided for underground utilities across that portion of the lot adjacent to a street.

B. *Streets.* The arrangement, extent, width, grade and location of all streets shall conform to the minimum construction and design standards of the city.

1. *Street jogs.* Street jogs with centerline offsets of less than one hundred twenty-five (125) feet shall be prohibited unless, because of unusual conditions, the city determines that a lesser centerline offset is justified.
2. *Dead-end streets or cul-de-sacs.* Dead-end streets or cul-de-sacs designed to be so permanently shall be provided at the closed end with a turnaround in accordance with minimum construction and design standards. If a dead-end street is of a temporary nature and more than one (1) lot in depth, a turnaround shall be required, and provision made for future extension of the street into adjoining property, if applicable. The maximum allowable length of a dead-end street or cul-de-sac shall not exceed one thousand one hundred (1,100) feet and shall be of such length to serve a maximum of twenty (20) dwelling units. The city engineer may recommend greater lengths only where special circumstances warrant. The cul-de-sac street length shall be measured from centerline of the intersecting street to the center of the cul-de-sac. The cul-de-sac shall have a minimum pavement diameter of ninety (90) feet and a minimum right-of-way diameter of one hundred (100) feet.
3. *Tangent.* A tangent at least one hundred (100) feet long may be required between reversed curves on arterial and collector streets.
4. *Street connections.* When connecting street lines deflect from each other at any one (1) point by more than ten (10) degrees, they shall be connected by a curve with a radius adequate to ensure a sight distance in accordance with uniform standards prescribed by the minimum construction and design standards.
5. *Design.* Streets shall be laid out so as to intersect as nearly as possible at right angles.
6. *Property lines rounded.* Property lines at local street intersections shall be rounded with a minimum radius of twenty-five (25) feet. A greater radius may be prescribed by the city in special cases, in accordance with uniform standards prescribed by the minimum construction and design standards. The city engineer may permit comparable cutoffs or chords in place of rounded corners.
7. *Rights-of-way widths.* Street right-of-way widths shall be as required by section 20-220, street lines as basis for setbacks, or as otherwise provided on the Broward County Trafficways Plan, the Transportation Element of the Comprehensive Plan, or city street right-of-way plan, as determined to be applicable by the city engineer.
8. *Street numbers and names.* Display of street numbers and names shall comply with section 4-61.1 of the Code of Ordinances. Street identification shall be of the following three (3) categories; N-S direction; E-W direction; miscellaneous unless directed by the planning and zoning director.
    a. The N-S category shall include an identification whose first letter will fit the word WATCH. These identifications shall be preceded by a northwest quadrant designation and a numerical designation:
        1. Way;
        2. Avenue;
        3. Terrace;
        4. Court;
        5. Highway.

b. The E-W category shall be preceded by a northwest quadrant designation and a numerical designation:
   1. Street;
   2. Road;
   3. Drive;
   4. Place;
   5. Lane.

c. The miscellaneous category shall be preceded by a numerical identification, shall be followed by the northwest quadrant designation, and shall include the following:
   1. Boulevards;
   2. Diagonals;
   3. Federal road designations;
   4. State road designations.

d. Unless otherwise approved by the planning and zoning director.

9. *Dedication.* All private streets for which public usage is not granted on the plat shall grant access over and upon such streets to City of Parkland officials, employees and agents in the course of their official duties.
10. *[Intersections with principal connectors.]* Intersections with principal collectors shall be located not less than eight hundred (800) feet apart, measured from centerline to centerline.
11. *[Approval required.]* All designs for street name sign systems shall be approved by the city engineer.
12. *[Sidewalks required.]* Pedestrian sidewalks shall be constructed along all streets.

C. *Alleys.* Alleys shall not be permitted unless the city finds such provision is necessary to provide additional means of service access, for off-street loading, unloading and parking for the uses proposed.

D. *Drainage ways.*
   1. Where a subdivision is traversed by a watercourse, drainage or canal, there shall be provided a drainage easement or right-of-way conforming substantially with the lines of such watercourse, and such further width for construction, or both, as will be adequate for the purpose, and in conformity with the uniform standards prescribed by the minimum construction and design standards. Drainage easements shall be a minimum twelve (12) feet in width.
   2. A maintenance easement of twenty (20) feet in width shall be dedicated along the entire boundary of lakes and canals to be dedicated for public maintenance.
   3. Refer to article 135, engineering standards, for other requirements.

E. *Blocks.* The length, width and shape of blocks shall be determined based upon consideration of the following:
   1. Provision of adequate building sites suitable to the special need of the type of use contemplated;
   2. Zoning requirements as to lot size and dimensions;
   3. Need for convenient access, circulation, control and safety of street traffic;
   4. Limitation and opportunities of topography.

F. *Lots.* The lot depth, shape and orientation, and the minimum building setback lines, shall be appropriate for the location of the subdivision and on the type of development and use contemplated.
   1. Lot dimensions shall conform to the requirements of the city zoning ordinance.
   2. Each lot shall have frontage on a street.
   3. Double frontage or through lots shall be discouraged, except where essential to provide separation of residential development from traffic arteries or to overcome specific disadvantages of topography or orientation. Where double frontage lots occur, access shall be limited to a single frontage as determined by the planning and zoning director, and a planting strip of at least ten (10) feet wide shall be required across the entire length of the street frontage that does not serve as vehicular access to the lot.

G. *Landscaping adjacent to trafficways.* All plats shall delineate buffers bordering trafficways as a separate and distinct tract. The plat shall dedicate the buffer to a property owner's association that will have control over, and full maintenance responsibility for, the common areas of the development including such buffers.

(Ord. No. 2015-09, § 2(Exh. A), 9-21-2015; Ord. No. 2019-001A, § 2(Exh. A), 9-25-2019)

Sec. 45-60. - Submittal requirements for plat approval.

A. *Submission requirements.*
   1. The applicant shall submit, along with the preliminary plat and final plat application, a complete impact analysis report pursuant to section 35-40, impact analysis report.

2. The applicant shall file three (3) full-size preliminary plat drawings (twenty-four (24) × thirty-six (36) inches), and fifteen (15) copies that are eleven (11) × sevent inches with the planning director, together with one (1) copy of the plat application, or as otherwise required on the planning and zoning department applicati submittal checklist.
3. The applicant shall pay such fees as are prescribed in the land development fee schedule, as amended from time to time, and as required in the land development code and any cost recovery ordinance or resolution.
4. The preliminary plat and final plat shall:
   a. Be prepared by a professional land surveyor registered in the state.
   b. Be clearly and legibly drawn in ink on Mylar, or other acceptable materials, to full-size dimensions of twenty-four (24) inches by thirty-six (36) inches, and to a scale of not less than one (1) inch equals one hundred (100) feet unless approved by the city engineer.
   c. Comply with all applicable regulations of the city and county, and the laws of the state dealing with the preparation of plats shall conform to the requirements of F.S. ch. 177.

B. *Data requirements.* At a minimum, the following information shall be a part of, or be submitted with, the preliminary plat and final plat prior to reviewing and processing by the city:

1. Name of subdivision. When platted as a new subdivision, an addition to, or revision of a recorded subdivision plat, the title of the plat shall include the name of such new subdivision, addition or revision, the name of the city, county, state, section, township, and range of which such platted land is a new subdivision, addition or revision.
2. Legal description. There shall be lettered or printed upon the final plat a full and detailed description of the land embraced in the plat showing the township and range in which such lands are situated and the sections and part of sections platted and a location sketch showing the plat's location in reference to the closest section corner or quarter section corner of each section embraced within the plat. The description must be so complete that from it, without reference to the plat, the starting point can be determined and the boundary traversed. If a subdivision includes a part of a previously recorded plat, the previous lots and blocks to be resubdivided shall be described. If the plat is a resubdivision of the whole of a previously recorded plat, the fact shall be so stated. Vacation of previously platted lands must be accomplished in the manner provided by law.
3. Names of adjacent subdivision or acreage as applicable.
4. Names or numbers and widths of streets immediately adjoining plat.
5. All plat boundaries.
6. Bearings and distances to the nearest established section or quarter section corner or other recognized permanent monuments which shall be accurately described on the plat.
7. Section, township, and range lines accurately tied to the boundaries of the subdivision by distance and bearing.
8. A current survey (no older than six (6) months) which shows the following:
   a. The location of all existing structures, paved areas and easements on the property.
   b. Existing roadway details adjacent to the property including rights-of-way, pavement widths, sidewalks, driveways (curb cuts), curb and gutter, turn lanes, bus bay, medians, median openings, traffic signals and signal equipment, street lights, pull boxes, utility poles and utility equipment, drainage structures, and fire hydrants.
9. Length of all arcs together with deltas, degrees of curves, radius, tangent distances, internal angles, points of curvatures and tangent bearings.
10. The right-of-way width of each street or other public right-of-way shown on the plat.
11. The numbering of all lots and blocks shown on the plat. All lots shall be numbered by progressive numbers individually or in blocks progressively numbered or lettered. Blocks in numbered additions bearing the same plat name shall be numbered consecutively throughout the several additions. Excepted parcels must be marked "not part of this plat."
12. All areas dedicated for public purposes.
13. The dimensions of all lots and angles.
14. Square-foot areas to the nearest foot of each lot shown in a rectangle within each lot.
15. Locations, dimensions and purposes of any easements.
16. Certification by a state-registered land surveyor to the effect that the plat represents a survey made under his direction and that all monuments shown thereon actually exist or will exist, and that their location is correctly shown.
17. An acknowledgment by the owner of his or her adoption of the plat, and of the dedication of streets and other public areas, and the consent of any mortgage holders to such adoption and dedication. Existing rights-of-way beneath a proposed plat must be vacated in accordance with city regulations prior to approval and acceptance of a final plat by the city commission.
18. The signature of the city engineer and the city clerk.
19. Space should be provided and clearly marked along the edge of the cover sheet for all required professional seals.
20. All plats submitted to the city shall meet the requirements of F.S. ch. 177.

(Ord. No. 2015-09, § 2(Exh. A), 9-21-2015)

Sec. 45-70. - Procedure.

A. *DRC and PZB review.* After review by the DRC and the planning and zoning director, the application for preliminary plat approval shall be forwarded to the planning and zoning board for consideration. The planning and zoning board shall determine whether an application for approval of a plat is in conformity with the standards and requirements of this article, the comprehensive plan, and all other applicable requirements of the land development code. The board shall recommend approval, approval with conditions, or disapproval of the preliminary plat.

B. *City commission review.* The city commission shall either approve, approve with modifications or conditions, or deny the preliminary subdivision plat after considering the recommendation of the planning and zoning board and all aspects of the plat necessary to meet all applicable requirements of the land development code and the comprehensive plan of the city. The preliminary plat submitted for city commission review and approval shall have incorporated all changes or modifications, as required by the planning director, DRC, and planning and zoning board, to make the preliminary plat conform to the requirements of this article and to the conditions of final plat approval.

C. *Effective period and expiration.*

1. Preliminary plat approval by the city commission signifies that the plat satisfies all city land development code requirements for plats, and that the city accepts any right-of-way and easement dedications shown on the plat. The plat does not become effective until it is recorded after approval by the Broward County Board of County Commissioners. Plat approval by the city commission does not authorize construction, but is a prerequisite to a site plan approval becoming effective, and to issuance of building permits.
2. Once the Broward County Board of County Commissioners approves the preliminary plat application, a final plat application shall be submitted, along with all fees as are prescribed in the land development fee schedule, as amended from time to time, and as required in the land development code and any cost recovery ordinance or resolution in addition to filing three (3) full-size copies and fifteen (15) reduced-sized copies of the final plat with the planning and zoning director, together with one (1) copy of the final plat application, or as otherwise provided on the planning and zoning department application submittal checklist. A final plat application shall be reviewed and approved administratively if there are no changes from the preliminary plat to the final plat. If changes have been made subsequent to preliminary plat approval, the planning and zoning director shall determine whether the final plat will be processed using the city commission call-up procedure pursuant to subsection 30-10.J.2., or whether the final plat must be considered by the planning and zoning board and city commission via the public hearing process of subsection 30-10.J.1.
3. Approval of a final plat shall expire eighteen (18) months from the date of approval if the final plat is not recorded. The city may, after the eighteen (18) months, require complete reconsideration of all or any part of an expired final subdivision plat. However, city plat approval shall be deemed to have expired when the plat has expired under the Broward County Land Development Code.

(Ord. No. 2015-09, § 2(Exh. A), 9-21-2015)

ARTICLE 50. - PROCEDURES FOR LAND USE PLAN AMENDMENTS, REZONINGS, TEXT AMENDMENTS, ZONING IN PROGRESS, AND ALLOCATION OF FLEXIBILITY PROVISIONS

Sec. 50-10. - Purpose.

It is the purpose of this article to establish procedures and requirements for amending the adopted comprehensive plan, the rezoning of lands within the city, amendments to standards and regulations of this chapter, and the application of the flexibility provisions of the Broward County Land Use Plan.

(Ord. No. 2015-09, § 2(Exh. A), 9-21-2015)

Sec. 50-20. - Land use plan amendments.

A. *Application requirements.* Applications shall be made utilizing forms specified and provided by the planning and zoning director. The applicant shall submit all information required to adequately address the filing requirements adopted by the state land planning agency and if applicable, the requirements of the Broward County Planning Council. In addition, the applicant shall submit all other information required to support and adequately address the proposed comprehensive plan amendment and any other criteria determined necessary by the planning director. A fee covering the costs of processing an application for a plan amendment shall be established from time to time by resolution and shall be submitted with the application.

B. *Public hearings.* Public hearings shall be held in compliance with F.S. ch. 163, as amended, and the provisions of section 30-10, administration; generally applicable procedures.

C. *Amendment procedure.* The procedure for amendment of the plan shall be by ordinance, in accordance with F.S. ch. 163, as amended. The city commission shall adopt, adopt with changes or deny a proposed amendment in accordance with the provisions of F.S. ch. 163, as amended; provided that no amendment which is inconsistent with the Broward County Land Use Plan shall be effective.

(Ord. No. 2015-09, § 2(Exh. A), 9-21-2015)

Sec. 50-30. - Rezonings.

A. *Submittal requirements.* An application for rezoning shall contain information sufficient in detail to reasonably apprise the city manager, the planning and zoning director, the planning and zoning board and the city commission of the nature and substance of the proposed amendment and the reasons therefor. An application for the rezoning of a particular parcel of land other than an application initiated by a city agency shall contain the following:
   1. An impact analysis report in accordance with the requirements of section 35-40.
   2. Proof of ownership of the property; and if the owner is not the applicant, proof of the applicant's authority to make such application.
   3. A survey or sketch and description of the property.
   4. Other information as required on an application form to be prepared by the planning and zoning director.

B. *Processing.* An application for rezoning shall be processed in accordance with the following:
   1. The planning and zoning director shall review the complete application submittal and prepare a report.
   2. Public notice shall be made in accordance with section 30-10, administration; generally applicable procedures.
   3. All rezonings shall be heard by the planning and zoning board, which shall make a recommendation to the city commission.
   4. The city commission shall consider the application, the staff findings, the recommendation of the planning and zoning board, and the information presented during the public hearing.
   5. The city commission may approve or deny the application for rezoning based upon the review criteria in this section.
   6. All rezoning applications shall be processed as ordinances of the city in accordance with F.S. § 166.041.
   7. A rezoning shall take effect at the time provided in the ordinance approving the rezoning.

C. *Standards, guidelines and review criteria for rezonings.* With respect to any pending legislation concerning a rezoning, the planning and zoning board and city commission shall consider and evaluate changes in relation to the following factors:
   1. The character of the district and its peculiar suitability for particular uses as well as the compatibility of the district with surrounding districts and uses and the impact upon neighboring communities and residences. The request shall not give privileges not generally extended to similarly situated property in the area, or result in an isolated district unrelated to or incompatible with the zoning of adjacent or nearby districts.
   2. Conservation of the value of buildings and encouraging the most appropriate use of land and water throughout the city.
   3. The applicable portions of any current municipal plan and programs, such as land use, trafficways, recreation, schools, neighborhoods, drainage and housing.
   4. The needs for the city for land areas for specific purposes to serve population and economic activities.
   5. Whether there have been substantial changes in the character of development of areas in or near the area proposed for rezoning.
   6. The facts and opinions presented to the reviewing agencies through public hearings.
   7. The anticipated impact of the maximum development permissible under the requested zoning upon the natural environment, the economy, the housing market and existing and programmed public facilities and services, both within and beyond the property.
   8. The impact of the proposed development on the existing road network, especially through traffic on Holmberg Road.
   9. The impact of the proposed development on the city road network and the ability of the existing (which shall include planned and funded improvements) to service the proposed development or number of units sought.
   10. Consistency with the comprehensive plan and other neighborhood plans, master plans and redevelopment plans approved by the city commission.
   11. Compatibility and consistency with abutting property (considering the future land use designation, zoning designation and present use of the abutting property).
   12. For rezonings involving lands that contain a golf course that were not reviewed under Policy 2.5.5 of the Broward County Land Use Plan, the applicant for rezoning shall address all of the following:
      a. The impact of the loss of open space on the surrounding residential areas. The loss of open space must be mitigated through provision of parks and open space to serve the surrounding neighborhood;
      b. Management of storm water retention taking into account the extent to which the golf course provided storm water retention for the surrounding development and how this will be mitigated, along with any additional storm water impacts created by the new development;
      c. Minimization of the impact on natural resources including wetlands, lakes, aquifer recharge areas and the tree canopy, including any historic trees on the site;
      d. Mitigation of environmental contamination. The level of environmental contamination must be determined by conducting a Phase 1 environmental assessment. A Phase 2 environmental assessment may be required based upon the findings of the Phase 1 assessment;
      e. Integration of the proposed development with the surrounding areas including how the development will tie into the existing neighborhoods through roads, sidewalks, parks/open space and greenways and buffers, and impact of the proposed development on property values of properties adjacent to the area proposed to be rezoned.

(Ord. No. 2015-09, § 2(Exh. A), 9-21-2015; Ord. No. 2019-009, § 2(Exh. A), 9-25-2019)

Sec. 50-40. - Land development code text amendments.

Text amendments to this chapter shall be consistent with the adopted comprehensive plan, as may be amended from time to time.

(Ord. No. 2015-09, § 2(Exh. A), 9-21-2015)

Sec. 50-50. - Zoning in progress; hold on permits and licenses.

During the period of time that the city commission is considering either an amendment to the land development code or an amendment to the official zoning map, no permit(s) or development order(s) of any kind shall be issued if issuance would result in the nonconforming or unlawful use of the subject property should the text amendment or zoning map amendment be adopted by the city commission.

A. The period of time of zoning in progress shall begin on the earlier of:
   1. Publication of a notice of a public hearing before the city commission to consider a resolution declaring zoning in progress; or
   2. The planning and zoning board has held its initial public hearing on the text amendment or zoning map change.
B. There shall be a hold on the issuance of all plats and site plans and building permits with respect to the code requirement or area which is the subject of such amendment; and such hold on permits and development orders shall continue in effect for a period from the date of the application until the subject legislation, with or without amendments, shall have been approved or disapproved or a period of six (6) months, whichever is sooner.
C. This section shall not apply if the planning and zoning director has determined that approval of the application for a permit or development order would not result in the nonconforming or unlawful use of property if the proposed text amendment or zoning map amendment is adopted.

(Ord. No. 2015-09, § 2(Exh. A), 9-21-2015)

Sec. 50-60. - Reserve units and flexibility units.

A. *Purpose.* The purpose of this section is to provide a procedure whereby the number of dwelling units permitted on a plot or parcel of land may be increased in certain specific situations and subject to certain conditions in accordance with the applicable provisions of this Code and, particularly, the implementation section of the City of Parkland future land use element. Reserve units have been established to allow the city to provide an incentive for quality development and for the dedication of land or the payment of fees in lieu of the dedication of land for municipal purposes when such dedications and payments are in excess of those ordinarily required pursuant to the applicable provisions of city and county law. For the purposes of this section and other relevant sections of the Code, the term "reserve units" shall have the same meaning as provided in the Broward County Land Use Plan. Rearrangement of land uses and residential densities within a flexibility zone may require recertification by the Broward County Planning Council; in such case, the application of flexibility shall not be effective until such recertification.
B. *Consistency with plan.* In evaluating the application for reserve units, the city shall consider the proposal's consistency with the goals and objectives of the city land use plan; the purpose of the reserve unit concept as stated in said plan; the characteristics of the surrounding area; the characteristics of the proposed development; the community need for the type of development proposed; the ability of the city, county and other applicable agencies to provide services for the additional dwelling units and the type and extent of the dedication for municipal purposes proposed by the application.
C. *BCLUP provisions.* Allocation of flexibility units, in accordance with section IV.B., "Residential Use," of the Broward County Land Use Plan, shall be subject to Objective 1.12 of the city's future land use element, and Policies 1.01.03, 1.01.04, 1.02.01, 1.02.02, 2.04.04, 2.04.05, 3.01.06 and 3.02.02 of the Broward County Land Use Plan, as may be amended from time to time and the rules and regulations prescribed by the Broward County Planning Council in Article 2 of the Administrative Rules Document as may be amended from time to time.
D. *Timing.* An application for flexibility or reserve units shall be filed in conjunction with an application for rezoning. The application for residential flexibility or reserve units shall include the number of dwelling units permitted by the current zoning and the number of reserve units requested.
   1. The application for flexibility reserve units shall be reviewed along with the rezoning application by the planning and zoning board and the city commission. An approval of the rezoning application shall also be an approval of the application for flexibility or reserve units. A denial of the rezoning application site plan shall also be a denial of the application for flexibility or reserve units.
   2. An application for flexibility or reserve units may be approved by the city commission with conditions and stipulations. An approval of an application for flexibility or reserve units with such conditions and stipulations as may be approved by the city commission shall be evidenced by an agreement which shall be signed by the city and applicant; and such agreement may, at the option of the applicant or the city, be recorded in the public records.
   3. Upon approval of the application for flexibility or reserve units, the city shall reduce the number of flexibility or reserve units available for use elsewhere by the number of reserve units approved in connection with the relevant application; and the city shall inform the Broward County Planning Council of such action.
E. *[Application for commercial flexibility.]* An application for commercial flexibility in areas designated residential on the city's certified land use plan shall be filed in conjunction with an application for rezoning and shall be limited to five (5) percent of the area designated for residential use on the city's certified land use

plan. The commercial shall be limited to neighborhood office or retail sales of merchandise or services and the parcel shall be limited to ten (10) acres in size.

F. *[Additional acreage permitted.]* Commercial and residential acreage may also be permitted through rezoning in accordance with the standards and restrictions set forth in section 2.5 of the Broward County Administrative Rules Document.

(Ord. No. 2015-09, § 2(Exh. A), 9-21-2015)

ARTICLE 55. - RELIEF AND APPEAL PROCEDURES

DIVISION 5. - VARIANCES

Sec. 55-510. - Purpose.

It is the purpose of this article to provide for the establishment of procedures and guidelines for the hearing of appeals from any decision of an administrative official relative to the enforcement of the requirements of this chapter and the authorization of variances from the requirements of this chapter.

(Ord. No. 2015-09, § 2(Exh. A), 9-21-2015)

Sec. 55-520. - Variance application process.

Upon receipt of an application for a variance, the planning and zoning director shall determine whether the variance may be considered and processed as an administrative variance pursuant to division 10 of this section, and shall schedule the variance for review and processing accordingly. Variances shall be processed and noticed pursuant to section 30-10, administration; generally applicable procedures.

(Ord. No. 2015-09, § 2(Exh. A), 9-21-2015)

Sec. 55-530. - Variance standards, guidelines and review criteria.

A. *Burden of proof.* The burden of proof that the conditions for a variance exist shall be on the applicant.

B. *Landscaping variances.* Variances from provisions of article 95, landscaping and vegetation, are subject to the criteria of section 95-1575, variances.

C. *Sign variances.* Variances from the provisions of article 100, signage, are subject to the criteria of section 100-560, variances.

D. *[Additional criteria.]* A variance from all other provisions of this land development code are subject to the following criteria unless otherwise specified in this chapter, and shall not be granted unless and until the city commission determines that:

1. Special conditions and circumstances exist affecting the land, structure or building involved preventing the reasonable use of said land, structure or building.
2. The circumstances which cause the hardship are peculiar to the property or to such a small number of properties that they clearly constitute a marked exception to other properties in the district.
3. The literal interpretation of the provision of the land development code would deprive the applicant of a substantial property right that is enjoyed by other property owners in the district. (It is of no importance whatever that the denial of the variance might deny to the property use in a more profitable way or to sell it at a greater profit than is possible under the terms of this chapter.)
4. The hardship is not self-created or the result of mere disregard for or ignorance of the provisions of this land development code.
5. The variance is the minimum variance that will make possible the reasonable use of the property, and that the variance will be in harmony with the general purposes and intent of this land development code and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

E. *Conditions and safeguards.* In granting a variance, the city commission may prescribe appropriate conditions and safeguards as are, in their opinion, necessary to protect the public interest. Violations of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this chapter.

F. *Use variances not authorized.* Under no circumstances shall the city commission grant a variance to permit a use not generally permitted in the district involved or any use expressly or by implication prohibited by the terms of this land development code in said district or grant a variance increasing the residential density permitted in said district.

(Ord. No. 2015-09, § 2(Exh. A), 9-21-2015)

Sec. 55-540. - Variance application requirements.

A. *Application requirements.* Variance requests shall contain information sufficient in detail to reasonably apprise the planning and zoning director, the planning and zoning board and the city commission of the nature and substance of the proposed variance. Variance requests shall be filed by written application to the planning and zoning department, which application shall contain the following, or as otherwise required on the planning and zoning department application

submittal checklist:

1. A legal description of the subject property with a current sealed land survey prepared by a registered land surveyor.
2. A detailed description and justification of the proposed variance stating how the criteria for a variance have been met and be accompanied by the processing fee.
3. Dimensioned plans showing the improvements that are the subject of the variance request.
4. The person filing the application must be the property owner or an agent of the owner. Proof of ownership must be provided. If the applicant is other than the owner of record, a power of attorney from the owner of record to the applicant shall accompany the application affirming that the owner has granted full authority to the applicant to apply for the relief requested in the application. If the applicant is an attorney who is a member of the Florida Bar who is acting on behalf of the owner of record, no power of attorney shall be required, but the application shall be signed by the attorney who shall indicate his or her representative capacity.

(Ord. No. 2015-09, § 2(Exh. A), 9-21-2015)

Sec. 55-550. - Expiration of variance.

The approval of a variance shall be void after a period of one (1) year unless a building permit, where required by law, has been issued and construction (pouring of the foundation) has begun.

(Ord. No. 2015-09, § 2(Exh. A), 9-21-2015)

DIVISION 10. - ADMINISTRATIVE VARIANCES

Sec. 55-1010. - Authorized administrative variances.

The planning and zoning director may administratively approve the variances for structural encroachments into setbacks of no more than five (5) percent of the setback requirement provided the structural encroachment does not encroach upon an easement without authorization of the easement holder(s).

(Ord. No. 2015-09, § 2(Exh. A), 9-21-2015)

Sec. 55-1020. - Conditions of approval.

The planning and zoning director may impose such conditions in a development order granting an administrative variance as are necessary to accomplish the goals, objectives and policies of the comprehensive plan and this section, including, but not limited to, limitations on size, bulk, location, requirements for landscaping, buffering, lighting, and provision of adequate ingress and egress.

(Ord. No. 2015-09, § 2(Exh. A), 9-21-2015)

Sec. 55-1030. - Criteria for granting administrative variances.

When granting an administrative variance, the planning and zoning director shall make one (1) or more of the following findings:

A. Special and unique conditions exist which are peculiar to the applicant's case and which are not generally applicable to the property located in the zoning district;
B. The special and unique conditions are not directly attributable to the actions of the applicant;
C. The literal interpretation of this land development code, as applied to the applicant, would deprive the applicant of rights commonly enjoyed by the owners of other property in the zoning district;
D. The variance granted is the minimum variance necessary for the applicant to make reasonable use of the property;
E. Granting the variance is not detrimental to the public welfare, or injurious to property or improvements in the zoning district or neighborhood involved; and
F. Granting the variance is not contrary to the objectives of the comprehensive plan of the city.

(Ord. No. 2015-09, § 2(Exh. A), 9-21-2015)

Sec. 55-1040. - Procedure.

A. *Determination of consistency with criteria.* The planning and zoning director shall evaluate the application and determine whether the application satisfies the criteria for the granting of administrative variances. If the director finds in the negative, the applicant must proceed with a variance application pursuant to division 5 of this section. The director shall prepare a notice of intent to approve or deny the administrative variance.
B. *Notice of intent to approve.* If the director finds that the administrative variance request complies with the criteria in section 55-1030, criteria for granting

administrative variances, the director shall mail the notice to the applicant and all owners of all property within five hundred (500) feet of the property which is the subject of the administrative variance. The applicant shall furnish mailing labels and postage in accordance with the planning and zoning department's specifications, accompanied by a sworn affidavit attesting that the labels include the required mailing addresses.

C. *Protest procedure.* Any property owner who wishes to protest the notice of intent to approve the administrative variance shall submit a written protest (by mail or hand-delivery) to the planning and zoning director no later than the fifteenth day following the date postmarked on the mailed notice. The fifteen-day period shall be referred to as the "protest period." It is the responsibility of the protestor to ensure and confirm that the planning and zoning department receives the protest notice within the protest period. The written protest shall not be valid unless the protestor's name, address, telephone number, and email address (if available) are included on the written protest.

D. *Disposition of application.* If the director does not receive a valid written protest within the protest period, the director shall issue a final approval of an administrative variance to the applicant. If the director receives a written protest within the protest period, the protest shall operate to preclude the use of the administrative variance approval process. The application shall then be processed as a non-administrative variance pursuant to division 5 of this section.

E. *Expiration of administrative variances.* An administrative variance shall automatically expire under the following conditions:

1. The variance shall expire one (1) year from the date of the written determination by the planning and zoning director granting the administrative variance if a building permit, where required by law, has not been issued in accordance with the plans and conditions upon which the administrative variance was granted; and,
2. The administrative variance shall expire if a building permit issued in accordance with the plans and conditions upon which the administrative variance was granted expires and is not renewed pursuant to the applicable provisions regarding renewal of building permits.

(Ord. No. 2015-09, § 2(Exh. A), 9-21-2015)

DIVISION 12. - ACCESSORY STRUCTURES IN PRD DISTRICTS NOT SPECIFIED ON AN APPROVED MASTER PLAN

Sec. 55-1210. - Purpose of this division.

Master plans approved for a PRD zoning district may not specify every usual and customary accessory structure on a single-family detached lot. This division sets forth the regulations and procedures to request an unspecified customary accessory structure in the rear yard of a single family detached lot in a PRD zoning district.

(Ord. No. 2020-023, § 3, 2-3-2021)

Sec. 55-1220. - "Accessory structure" defined.

For purposes of this division 12, "accessory structure" shall mean a structure that:

(1) Is not enclosed on all four (4) sides;

(2) Is reasonable, customary and subordinate to the principal single family residence on the same lot in a PRD zoning district, such as an outdoor kitchen ("summer kitchen"), pergola or other such structure; and

(3) Is not specifically shown on the approved master plan for the subject development in the PRD zoning district.

(Ord. No. 2020-023, § 3, 2-3-2021)

Sec. 55-1230. - Procedure.

A. *Application requirements.* An application for an accessory structure shall be made on forms provided by the planning and zoning department, and shall include the following:

1. A completed building permit application for the proposed accessory structure and the applicable building permit application fee in the amount established by the city commission;
2. If the proposed accessory structure encroaches into any easement, the applicant shall provide written and signed authorization to encroach from all owners of the easement(s);
3. Acknowledgement by the applicant that separate approval from the applicable homeowners association may be required;
4. Proof of ownership of the subject property; if the applicant is someone other than the owner, proof of authority to apply on behalf of the owner; and
5. A survey of the property showing the proposed location of the proposed accessory structure on the lot, dimensions of the proposed structure, setbacks to the property line, and the height, depth and width of the proposed structure.

B. *Processing.*

1. The original application (including all required information) and the proof of payment of the applicable building permit application fee shall be submitted to the planning and zoning department.

2. The planning and zoning director or designee shall review the application and documentation submitted by the applicant and determine whether the applicati all of the required information and complies with the accessory structure standards set forth in subsection (C) below.
3. If the application is approved, the application shall be stamped approved and a copy shall be provided to the applicant. If the application is denied, the applicant shall be provided written notice of the denial and the basis for the denial.
4. An applicant who believes they have been adversely affected by the decision of an administrative official in the interpretation of this article may file an appeal in accordance with the administrative appeal procedures set forth in section 55-1510 of the land development code.

C. *PRD accessory structure standards.* Accessory structures proposed pursuant to the provisions in this article shall comply with all of the following standards:
1. The structure shall meet the definition of "accessory structure" provided in section 55-1220 above;
2. The structure shall be limited to installation in the rear yard of the subject home;
3. The structure shall comply with all of the applicable provisions of the Florida Building Code;
4. The structure shall comply with the minimum setback requirements for screen enclosures specified in the applicable PRD Ordinance for the subject development; and
5. The structure shall not encroach on or within any setbacks established for other accessory structures in the applicable PRD ordinance for the subject development.

(Ord. No. 2020-023, § 3, 2-3-2021)

DIVISION 15. - APPEALS OF ADMINISTRATIVE DECISIONS

Sec. 55-1510. - Administrative appeals.

A. *Review by the planning and zoning board.* The planning and zoning board shall review and decide appeals from any person who has been adversely affected by a decision of an administrative official in the interpretation or application of the land development code. The planning and zoning board may modify, reverse or affirm the administrative official's decision interpreting or applying the provisions of the land development code.

B. *Filing.* Administrative appeals shall be filed by written application using the form provided by the planning and zoning department. All applications shall be accompanied by the processing fees as established by resolution of the city commission and all supporting evidence pertaining to the appeal. All appeals shall be filed with the planning and zoning department within thirty (30) days of the administrative decision, act or interpretation to which the appeal is directed.

C. *Processing.*
1. All applications for administrative appeals shall be scheduled for a hearing before the planning and zoning board.
2. The applicant shall present the appeal at a public hearing before the planning and zoning board.
3. The administrator subject to the appeal may present reasons and documentation supporting the initial decision.
4. The concurring vote of six (6) of the seven (7) board members shall be necessary to reverse any order, requirement, or decision of an administrative official.
5. Upon a decision, the planning and zoning board shall issue a written order to be forwarded to the city clerk that shall be sent to the applicant and become a part of the public records.
6. Any decision by the planning and zoning board on an administrative appeal may be appealed to the city commission by the applicant or the city administrative staff.
7. The burden of proof in any appeal shall be on the appellant.

(Ord. No. 2015-09, § 2(Exh. A), 9-21-2015)

DIVISION 20. - PREEMPTIVE RELIEF

Sec. 55-2010. - Land development code relief procedures.

A. *Purpose and applicability.* In order to address possible unintended violations of federal and state laws, subsequent to implementation of this land development code or its related rules, policies, and procedures in advance of costly litigation, land development code relief may be granted pursuant to this section.

B. *Application.* A person or entity shall request relief under this section prior to filing a lawsuit, by completing a land development code relief request form, which is available from the planning and zoning department. The form shall contain such questions and requests for information as are necessary for evaluating the relief requested.

C. *Notice.* The city shall display a notice on the city public notice bulletin board and shall maintain copies available for review in the city clerk's office. The notice shall advise the public that a request for land development code relief under a federal or state law is pending. The location, date and time of the applicable public hearing shall be included in the notice. Mailed notice shall also be provided to property owners within five hundred (500) feet, if the request for relief is

site specific, in accordance with the mail notification procedure provided for variances in section 30-10, administration; generally applicable procedures.

D. *Application and hearing.* The city commission shall have the authority to consider and act on requests for land development code relief submitted to the planning and zoning director. A public hearing shall be held within seventy-five (75) days of receipt by the city of the request for relief at a city commission meeting. A written determination shall be issued by resolution no later than seven (7) days after the conclusion of the public hearing. The determination may:
   1. Grant the relief requested,
   2. Grant a portion of the request and deny a portion of the request, or impose conditions upon the grant of the request, or
   3. Deny the request. Any determination denying the requested relief shall be final, in writing, and shall state the reasons the relief was denied. The final written determination shall be sent to the requesting party by certified mail, return receipt requested.

E. *Additional information.* If necessary, prior to the public hearing, the planning and zoning director may request additional information from the requesting party, specifying in sufficient detail what information is required. In the event a request for additional information is made to the requesting party by the city, the seventy-five (75) day time period to schedule a public hearing shall be extended to ninety (90) days to include the time necessary to seek and review the additional information. The requesting party shall have fifteen (15) days after the date the information is requested to provide the needed information. If the requesting party fails to timely respond with the requested additional information, the city shall notify the requesting party and proceed to public hearing and decision on the application using the original information the applicant provided.

F. *Criteria.* In determining whether the land development code relief request shall be granted or denied, the applicant shall be required to establish:
   1. The applicant is a potential claimant under a federal or state law; and
   2. The applicant believes in good faith that the city—through implementation of its land development code—has intentionally or unintentionally violated federal or state law for the reasons stated in the land development code relief request; and
   3. The applicant satisfies the standard set forth in the applicable federal or state statutes, or legal precedent interpreting the applicable statutes, to establish that the requested relief is required by law.

G. *Exhaustion required.* Completion of the land development code relief procedures of this section shall be a supplement to and not a substitute for any other pre-litigation dispute resolution processes available by law to the city or the applicant. Completion of the land development code relief procedures shall constitute the exhaustion of all administrative remedies available from the city.

H. *Effect while pending.* While an application for land development code relief or appeal of a determination of same is pending before the city, the city will not enforce the subject land development code, rules, policies, and procedures against the property owner, except the city may seek injunctive relief if an imminent threat to the health, safety and welfare of the public is present.

(Ord. No. 2015-09, § 2(Exh. A), 9-21-2015)

DIVISION 25. - REASONABLE ACCOMMODATIONS

Sec. 55-2510. - Reasonable accommodation procedures.

A. *Implementation of policy.* This section implements the policy of the City of Parkland for processing of requests for reasonable accommodation to its ordinances, rules, policies, and procedures for persons with disabilities as provided by the Federal Fair Housing Amendments Act (42 U.S.C. 3601 et seq.)("FHA") and Title II of the Americans with Disabilities Act (42 U.S.C. Section 12131 et seq.) ("ADA"). For purposes of this section, a "disabled" individual or person is an individual that qualifies as disabled and/or handicapped under the FHA and/or ADA. Any person who is disabled (or qualifying entities) may request a reasonable accommodation with respect to the city's land use or zoning laws, rules, policies, practices and/or procedures (hereinafter, for the purposes of this section, the "land development code") as provided by the FHA and the ADA pursuant to the procedures set out in this section. The city commission shall appoint a special master who shall make final determinations on applications for reasonable accommodations related to relief from land development code regulations.

B. *Request to be in writing.* A request by an applicant for reasonable accommodation under this section shall be made in writing by completion of a reasonable accommodation request form, which form is maintained by (and shall be submitted to) the reasonable accommodation administrator. The reasonable accommodation form shall contain such questions and requests for information as are necessary for processing the reasonable accommodation request. For a reasonable accommodation request involving housing or zoning, the application, shall, at a minimum, require the following information:
   1. Name and contact information for applicant or applicant's authorized representative; and
   2. Address of housing or other location at which accommodation is requested; and
   3. Description of reasonable accommodation required; and
   4. Description of the accommodation and the specific regulation(s) and/or procedure(s) from which accommodation is sought; and
   5. Reason(s) the reasonable accommodation may be necessary for the individual(s) with disabilities to use and enjoy the housing or other service; and
   6. A statement as to whether the applicant is requesting the accommodation in order to house more than three (3) unrelated people in a single-family dwelling; and
   7. A statement as to whether the applicant is seeking the accommodation in order to make housing and/or provision of housing financially viable, with

supporting documentation; and

8. A statement as to whether the applicant is seeking the accommodation is therapeutically necessary, with supporting documentation; and
9. Proof of satisfactory fire, safety, and health inspections required by F.S. § 397.487, as amended, and other applicable law.

C. *Medical information; confidentiality.* Should the information provided by the disabled individual to the city include medical information or records, including records indicating the medical condition, diagnosis or medical history of the disabled individual(s), such individual(s) may, at the time of submitting such medical information, request that the city, to the extent allowed by law, treat such medical information as confidential information of the disabled individual(s). The city shall thereafter endeavor to provide written notice to the disabled individual(s), and/or their representative, or any request received by the city for disclosure of the medical information or documentation which the disabled individual(s) has previously requested be treated as confidential by the city. The city will cooperate with the disabled individual(s), to the extent allowed by law, in actions initiated by such individual(s) to oppose the disclosure of such medical information or documentation, but the city shall have no obligation to initiate, prosecute or pursue any such action, or to incur any legal or other expenses (whether by retention of outside counsel or allocation of internal resources) in connection therewith, and may comply with any judicial order without prior notice to the disabled individual(s).

D. *Determination process.*

1. The special master shall issue a written determination within sixty (60) days of the date of receipt of a completed application, except as provided in paragraph 3, below, and may, in accordance with federal law, (1) grant the accommodation request, (2) grant a portion of the request and deny a portion of the request and/or impose conditions upon the grant of the request, or (3) deny the request in accordance with federal law. The reasonable accommodation administrator shall issue a written order on the request which either approves the request, denies the request or approves the request with conditions and/or modifications. If the request is denied, the order shall state the grounds therefore. All written determinations shall give notice of the right to appeal.
2. The notice of determination shall be sent to the requesting party (i.e., the disabled individuals or representative) by certified mail, return receipt requested.
3. If reasonably necessary to reach a determination on the request for reasonable accommodation, the special master, prior to the end of said sixty-day period, or the city manager or designee may request additional information from the requesting party, specifying in sufficient detail what information is required. The requesting party shall have fifteen (15) days after the date of the request for additional information to provide the requested information. In the event a request for additional information is made, the sixty-day period to issue a written determination shall no longer be applicable, and the special master shall issue a written determination within thirty (30) days after receipt of the additional information or ninety (90) days after the initial receipt of the application, whichever is later. If the requesting party fails to provide all of the requested additional information within said fifteen-day period, the special master or designee shall issue a written notice advising that the requesting party had failed to timely submit the additional information and therefore the request for reasonable accommodation shall be deemed abandoned and/or withdrawn and no further action by the city with regard to said reasonable accommodation request shall be required.

E. *Criteria for determination.* In determining whether the reasonable accommodation request shall be granted or denied, the requesting party shall be required to establish that they are protected under the FHA and/or ADA by demonstrating that they are handicapped or disabled, as defined in the FHA and/or ADA. Further, the requesting party must demonstrate that:

1. A physical or mental impairment which substantially limits one (1) or major life activities; a record of having such impairment; or that they are regarded as having such impairment.
2. That the proposed accommodations being sought are reasonable and necessary to afford handicapped/disabled persons equal opportunity to use and enjoy housing. The foregoing (as interpreted by the courts) shall be the basis for a decision upon a reasonable accommodation request made by the reasonable accommodation administrator, or designee, or by the city commission in the event of an appeal.
3. The requested accommodation would not fundamentally alter the city's zoning scheme.

The special master may impose conditions or modifications he/she deems necessary to mitigate any factors which would fundamentally alter the residential character of the neighborhood or to protect the public health and safety or are reasonably necessary to assure compliance with his/her order.

F. *Appeal of determination.* Within thirty (30) days after the special master's determination on a reasonable accommodation request is mailed to the requesting party, any other or any order or action of the reasonable accommodation administrator with respect to the application or this section, such applicant may appeal the decision to the city commission. All appeals shall contain a statement containing sufficient detail of the grounds for the appeal. Appeals shall be to the city commission who shall, after public notice and a public hearing, render a determination as soon as reasonably practicable, but in no event later than sixty (60) days after an appeal has been filed. Where the appeal is based upon a provision of the land development code, the planning and zoning board shall first hold a hearing to make a recommendation on the appeal to the city commission.

G. *Fees.* There shall be no fee imposed by the city in connection with a request for reasonable accommodation under this section or an appeal of a determination on such request to the city commission, and the city shall have no obligation to pay a requesting party's (or an appealing party's, as applicable) attorneys' fees or costs in connection with the request, or an appeal.

H. *Stay of enforcement.* While an application for reasonable accommodation, or appeal or a determination of same, is pending before the city, the city will not enforce the subject zoning ordinance, rules, policies, and procedures against the applicant.

I. *Miscellaneous provisions.* The following general provisions shall be applicable:

1. The city shall display a notice in the city's public notice bulletin board (and shall maintain copies available for review in the planning and zoning department, the building/permitting division, and the city clerk's office), advising the public that disabled individuals (and qualifying entities) may request reasonable accommodation as provided herein.
2. A disabled individual may apply for a reasonable accommodation on his/her own behalf or may be represented at all stages of the reasonable accommodation process by a person designated by the disabled individual.
3. The city shall provide such assistance and accommodation as is required pursuant to FHA and ADA in connection with a disabled person's request for reasonable accommodation, including, without limitation, assistance with reading application questions, responding to questions, completing the form, filing an appeal; and appearing at a hearing, etc., to ensure the process is accessible.

J. *Revocation of reasonable accommodation.* Any reasonable accommodation received shall be deemed revoked if the applicant or the property upon which the accommodation is granted is found in violation of any provision of the order granting the reasonable accommodation by a court of law or by the special master hearing code enforcement cases.

K. *Recertification.* All reasonable accommodation requests approved by the city are valid for no more than two (2) years. Recertification requests must be filed at least ninety (90) days before the conclusion of the end of the two-year period of effectiveness of the reasonable accommodation order. The process for recertification shall follow the same requirements as set forth above for "requests for accommodation", and review of recertification requests shall follow the same procedures as outlined above for new applications. The failure of the applicant to timely apply for annual recertification, or the denial of an application to recertify annually, shall result in the revocation of the approved reasonable accommodation. Recertification requests shall follow the same requirements as set forth above.

(Ord. No. 2015-09, § 2(Exh. A), 9-21-2015; Ord. No. 2018-009, § 2, 6-20-2018)

DIVISION 30. - VESTED RIGHTS DETERMINATIONS

Sec. 55-3010. - General applicability.

Unless otherwise allowed to continue as a nonconforming use or structure under article 25, nonconforming uses and structures, all existing, proposed and new development or redevelopment and uses of land in the city shall conform strictly to the provisions of this chapter. Except as expressly provided in this chapter, no development or use of land shall be undertaken without prior approval and issuance of a development order or permit. The fact that a development order, permit or decision has been issued by an officer or employee with apparent but not actual authority over the interpretation or enforcement of this chapter shall not stop or otherwise prevent the city from strict enforcement of the provisions of this chapter, as amended.

(Ord. No. 2015-09, § 2(Exh. A), 9-21-2015)

Sec. 55-3020. - Criteria for vested rights determination.

An owner of property may obtain from the city commission a determination of the vested development rights. Nothing in this Code shall be construed or applied to abrogate the vested right of a property owner to complete development where the property owner demonstrates each of the following:

A. A governmental act of development approval was obtained prior to the effective date of these land development regulations or prior to the effective date of an amendment to these land development regulations;
B. The property owner has detrimentally relied, in good faith, by making substantial expenditures based upon the governmental act of development approval;
C. It would be highly inequitable to deny the property owner the right to complete the development; and
D. The adoption of these regulations or any amendments thereto is the cause of the applicant's inability to complete the development.

(Ord. No. 2015-09, § 2(Exh. A), 9-21-2015)

Sec. 55-3030. - Application requirements and procedure.

A. *Required information.* Any property owner claiming to have vested rights under this section must file an application with the planning and zoning director for a vested rights determination within one hundred and twenty (120) days after the initial effective date of any amendment to this land development code. The owner shall request a determination of vested development rights by filing an application with the city upon a form to be provided for that purpose, setting forth the following information:

1. The name and address of the applicant;
2. A legal description of the property, which is the subject of the application;
3. The name, address and telephone number of each owner of the property;
4. Identification by specific reference to each provision of the comprehensive plan or land development regulation or other regulation (past or present) which

the applicant believes supports the claim to vested development rights and the comprehensive plan provision, land development regulation, or other action (proposed or already taken) of the city which threatens the claimed vested development right;

5. The specific vested development right claimed. This shall be a complete statement of the rights claimed by the applicant and the precise relief requested;
6. A complete statement of the facts and law (with citations to appropriate statutes or case law where necessary) which the applicant intends to provide in support of the application and which the applicant believes supports the claim;
7. Such other relevant information that the planning director may request;
8. Such payment of fees as set forth in the land development fee schedule, as amended from time to time; and
9. An application pertaining to property owned by more than one (1) person may be executed by any one (1) owner.

B. *Scheduling commission hearing; distribution of documents to commission members.* Upon receipt of the complete application, the city clerk shall set the date and time for a hearing before the city commission and shall distribute to each member of the commission a copy of the application.

C. *Conducting, recording of commission hearing.* At the hearing before the city commission, the applicant may present testimony, and the applicant as well as all other witnesses shall appear and respond under oath to questions by members of the city commission, the planning and zoning director, and the city attorney (or other attorney representing the city), and the applicant may present evidence. The hearing before the city commission shall be recorded and transcribed by a court reporter, who shall provide one (1) copy of the transcript to the city clerk at cost to the applicant. Where the city retains the services of outside counsel to represent either the commission or staff, the applicant shall pay one-half (½) the costs of said counsel's fee, including one-half (½) of any retainer requested prior to the hearing.

D. *Commission determination.* At the conclusion of the hearing, the city commission shall determine to grant the application in full, grant the application in part or with conditions, or deny the application. In making its determination, the city commission shall be guided by the rule that the right to development of property is found to exist whenever the applicant proves by competent, substantial evidence that under federal or state law, the applicant has vested development rights.

(Ord. No. 2015-09, § 2(Exh. A), 9-21-2015)

ARTICLE 60. - SPECIAL EXCEPTION USES

Sec. 60-10. - Purpose.

It is the purpose of this article to make provision for those uses which may be desirable for the orderly development of the city and for the public convenience or welfare which, because of their particular characteristics or area requirements, should be given individual consideration and approved subject to specific conditions related to the location and nature of the use, as determined to be necessary to ensure the health, safety and welfare of the citizens and residents of the city.

(Ord. No. 2015-09, § 2(Exh. A), 9-21-2015)

Sec. 60-20. - Uses permitted.

Except as provided by this article, such uses shall be limited to those specially listed as special exception uses in the district regulations and shall be subject to the conditions and limitations prescribed therein.

(Ord. No. 2015-09, § 2(Exh. A), 9-21-2015)

Sec. 60-30. - Application process.

A. *Application.* The owner or authorized representative of the property owner shall make an application with the planning and zoning department on the forms provided by the department. The owner shall bear the burden of proof in establishing compliance with the criteria of this section for granting a special exception.

B. *Administrative review.* The planning and zoning director shall examine the application to determine whether all pertinent information has been provided and, upon finding the application to be complete, shall process the application in accordance with procedures and notice requirements of section 30-10, administration.

C. *Planning and zoning board review.* Following staff review, the planning and zoning director shall schedule the special exception application for planning and zoning board consideration. At the time of the hearing on the application, the board shall allow both proponents and opponents of the application to be heard. After receiving all relevant materials and information, the planning and zoning board, shall, by vote of a simple majority of members present and voting, either recommend approval or disapproval of the application to the city commission in accordance with the criteria for granting special exception permits in this section. The planning and zoning board may, in its discretion, recommend approval subject to certain conditions or restrictions. The recommendations of the planning and zoning board shall be transmitted to the city commission.

D. *City commission review.* The city commission, after hearing all persons desiring to be heard with respect to the application and considering the criteria for

granting of special exception permits in this section, shall, by simple majority vote of those present and voting, determine whether to grant or deny the application, or whether to grant the application subject to certain conditions, restrictions, limitations or requirements that the city commission determines necessary or appropriate to ensure that the special exception use will operate in a manner that is compatible with adjacent existing and planned uses. The city commission approval, approval with conditions or denial shall be by resolution.

E. *Permit.* Upon the granting of a special exception use by action of the city commission, the planning and zoning director shall prepare [and] issue a special exception use permit that details the use permitted with any special conditions, restrictions, limitations or requirements established by the city commission. In addition to conditions stipulated by the city commission and any use-specific provisions set forth in this chapter, special exception uses shall comply with all requirements of this chapter that apply generally to permitted uses in the applicable zoning district.

(Ord. No. 2015-09, § 2(Exh. A), 9-21-2015)

Sec. 60-40. - Standards, guidelines and review criteria.

Any use classified as a special exception use must undergo additional review for the satisfaction of standards over and above the standards set forth for permitted uses. Therefore, any proposed special exception use shall demonstrate compliance with the provisions of the land development code and the comprehensive plan. In addition to those criteria, the standards to be applied by the planning and zoning board and the city commission in considering the applications for a special exception use are as follows:

A. The compatibility of such use with the existing and permitted use of surrounding properties. An otherwise lawful activity may, because of its location, interfere with the property rights of adjacent landowners by creating an unreasonable disruption to the area by way of increased noise, storage and use of dangerous materials, undesired increase or intensity of development or traffic or other impacts. It is the intent of this article that each application for approval of a special exception use be evaluated in light of the unique characteristics of the neighborhood or area in which it is to be located and the positive and negative effects that it may have on the neighborhood or area, and the community in general.

B. Access, traffic generation, road and intersection capacities. Consideration will be given to the design capacity of the roadways and intersections, the particular traffic generation characteristics of the proposed special exception use, including the type of vehicular traffic associated with such use, and traffic generation characteristics of other uses permitted in adjacent zoning districts.

C. Availability of and impacts upon the capacity of utilities, community facilities, infrastructure and public services such as police and fire protection, and water and sewer service.

D. Compliance with the land development code and conformity to, and compliance with, the stated goals, objectives, policies and land uses established by the city comprehensive plan.

E. Whether the proposed use would adversely influence living conditions of the residential neighborhoods affected by the use or impacts directly associated with the use.

F. Whether the proposed use would adversely affect property values in the adjacent area.

G. Whether the proposed use would be a deterrent to the improvement or development of adjacent property in accordance with existing regulations.

H. Any additional factors or considerations which may be reasonably calculated to materially affect public health, safety and welfare. The above factors are to be considered supplemental to and separate from any other development review factors provided for in the land development code and the satisfaction of those requirements shall not be dispositive of whether these supplemental requirements have been met.

I. Where the special exception is for a school facility, special consideration shall be given to the following:

(1) Whether there are sufficient student drop off areas for motorists that are physically separate from the parking area (supported by a traffic analysis to demonstrate that the size and location of the drop off area are adequate for the facility: and

(2) Whether the site plan provides adequate fencing or other security measures to assure the safety of students from drive aisle and parking areas: and

(3) Whether the site plan provides adequate additional dedicated parking spaces for buses and provides adequate space and drive isles for use by buses.

The applicant shall have the burden of proof as to the standards set forth above.

(Ord. No. 2015-09, § 2(Exh. A), 9-21-2015; Ord. No. 2017-01, § 2, 4-5-2017)

Sec. 60-50. - Application requirements.

An application for a special exception use permit shall contain the following:

A. An impact analysis report in accordance with the requirements of section 35-20, impact analysis report, unless previously provided.

B. A site plan which meets all requirements of section 40-10, site plan requirements.

C. Any other information as required on the city application form.

(Ord. No. 2015-09, § 2(Exh. A), 9-21-2015)

Sec. 60-60. - Effective period of special exception use permit.

A. *Expiration.* All special exception approvals shall expire unless:
   1. The applicant submits all development permit applications and construction drawings (if applicable) that are necessary to establish the special exception use within twelve (12) months of city commission approval; and
   2. The applicant obtains all necessary building and development permits (including payment of all fees) within eighteen (18) months of city commission approval; and
   3. All building permits remain valid until the project is complete.

B. *Burden on property owner.* It shall be the responsibility of the property owner to ensure that a special exception approval does not expire.

C. *Extensions.* The city commission may grant no more than one (1) extension of the time period of special exception approval of up to six (6) months if the applicant submits the extension request within twelve (12) months of the date of city commission approval and the applicant can demonstrate good cause for the delay. Good cause may include, but shall not be limited to, delay caused by governmental action or inaction or other factors beyond the control of the applicant.

(Ord. No. 2015-09, § 2(Exh. A), 9-21-2015)

Sec. 60-70. - Requirements; effect of approval; modification.

A. *Satisfaction of conditions.* The use for which a special exception has been granted by the city shall not be commenced until all of the improvements stipulated in the grant of special exception necessary for the orderly use of the property have been accomplished.

B. *Effect of approval.* Approval of a special exception use shall run with the property once established (i.e., not expired or revoked) unless otherwise stipulated as a condition of approval. When a special exception application is for a specified location within a parcel; for example, a bay within a shopping center, the approval shall apply only to the specified location, and not the entire parcel. Any change to the location of the special exception use requires a modification pursuant to subsection D., unless the planning and zoning director determines that the change in location would not result in greater or new impacts to surrounding properties, and thereby qualifies for the city commission call-up procedure pursuant to subsection 30-10.J.2, action by city commission for call-up items. Any such change in the location of a special exception use shall remain subject to the conditions of approval applied to the previously approved location.

C. *Re-application.* Upon denial of an application for special exception, there shall be a two-year waiting period before any applicant may submit an application for the same or substantially similar application and for the same property as that which was initially denied.

D. *Modification of permit.* If the applicant wishes to amend a special exception use approval, the proposed amendment shall be processed and reviewed in accordance with the procedures set forth in this article for new special exception uses.

(Ord. No. 2015-09, § 2(Exh. A), 9-21-2015)

ARTICLE 65. - SPECIAL EVENTS PERMIT PROCEDURE

Footnotes:
*--- (**7**) ---*
***Editor's note—** Ord. No. 2018-015, adopted Aug. 16, 2018, repealed and replaced art. 65 to read as herein set out. Former art. 65 pertained to the same subject matter, consisted of §§ 65-10—65-110, and derived from Ord. No. 2015-09, adopted Sept. 21, 2015.*

Sec. 65-10. - General.

A. *Permit required.* No person, firm, group, corporation or institution shall participate in, advertise for or in any way promote, organize, control, manage, solicit, or induce participation in a special event, unless a special event permit with associated filing fee has first been obtained from the city as provided herein. No person, firm, group, corporation or institution shall violate any terms of a special event permit issued under this article, nor in any manner interfere with the progress or orderly conduct of a special event.

B. *Special events definition.* Special events shall mean any meeting, activity, parade or gathering of a group of persons, animals or vehicles or combination thereof, having a common purpose on any publicly or privately owned property, sidewalk, alley, park, lake or publicly or privately owned place or building, which special event substantially inhibits the usual flow of pedestrian or vehicular travel or which occupies any public place or building so as to preempt normal public or private use of space or which deviates from the established, legally permitted use of a space or building. Special events are activities that are of a temporary or seasonal nature. Usage of the city park pavilions through an executed rental agreement and activities located on private or public schools which are contained within the school site and will not require the assistance from the City of Parkland shall not require a special events permit. Any activity that is not so determined, shall comply with all applicable city requirements including, but not limited to, the city's land development regulations. All temporary and seasonal sales on publicly or privately owned property or parks shall be considered special events.

C. *Permit application deadline.* Any person, firm, group, corporation or institution seeking to conduct a special event in the city shall file a complete application for

a special event permit with the parks and recreation department on forms provided by the city. The city manager or his/her designee shall prepare and provide a special event permit application and the application shall contain applicable guidelines consistent with this article.

D. *Permit review.* All special event permits are subject to review and approval by the parks and recreation director or his/her designee and other city departments including public safety.

E. *Application fee.* All special event permits are subject to an application fee in accordance with the adopted fee schedule, which may be amended from time to time. However, city events, city sponsored events, areas on private property which are specifically designed for public gatherings or events conducted by a 501(c) nonprofit organization are not required to pay the application fee. Proof of nonprofit status must be provided. The application shall contain applicable guidelines.

(Ord. No. 2018-015, § 2, 8-16-2018)

Sec. 65-20. - Permit requirements.

The applicant shall provide all information solicited on the application form, unless waived by the parks and recreation director or designee, upon finding that such information is not necessary.

A. *Authority.* Notarized evidence that the property owner/managing agent authorizes the use of the site for the special event reflected on the special event permit application.

B. *Site plan.* A detailed site plan for the event, including, but not limited to, property boundaries; road access; location of trash receptacles, sanitary facilities, tents or other structures; location of rides if applicable; location of parking; location of temporary dwellings, offices, and equipment; and proposed setbacks of activities, fences, tents, booths, etc., from adjacent properties.

C. *Statement of use.* A detailed statement of use, including, but not limited to, sponsors, vendors, bands and/or other musical operations, planned activities, duration of event, hours of operation, anticipated attendance, temporary lighting to be provided on site, security, utilities, and use of generators.

D. *Signage.* Only the following on-site signs relating to a special event are permitted:

1. Only one (1) professional on-site sign per special event is permitted unless waived by the city for good cause and the public interest of the city.
2. Any professional on-site sign related to a special event shall be illustrated in a detailed on-site sign plan, including, but not limited to, the proposed location, size, type, copy area, graphics, and color, including the dates of installation and removal of the sign for the event.
3. Professional banner signs and flags proposed within the signage plan may be approved by the parks and recreation director or designee banner signs are subject to the standards and restrictions of section 22-466 [100-1540]. No signs shall be permitted in the safe sight visibility triangle or if prohibited by the City Code.

E. *Food service.* If food service will be available at the event, the applicant shall provide a complete list of food service vendors, their respective Broward County mobile business tax receipt permit if applicable, Florida State health certificates, and a list of the type of food service proposed. All food service vendors shall provide the city a valid certificate of insurance naming the city as additional insured no later than one (1) week prior to the scheduled event. A fire watch may be required.

F. *Alcohol.* Applicants may, as permitted by the city, provide alcoholic beverages given that a copy of the permit issued from the Florida Department of Alcoholic Beverages and Tobacco is attached to the special event permit application.

G. *Insurance.* The operator of an event shall provide evidence of liability insurance acceptable to the city and shall provide the city with a certificate of insurance showing the city as additional insured. The insurance may be general liability, worker's compensation and employer's liability and liquor liability as appropriate to the event. The amount of insurance required shall be determined by the parks and recreation director or designee based upon the nature and scope of the special event, the location of the event, and other relevant factors.

H. *Security deposit.* A refundable security deposit or similar financial pledge acceptable to the city, will be required, to ensure that any damage is repaired and the premises returned to its previous condition prior to the event, including the removal of any signs or banners within two (2) calendar days of the event.

I. *Indemnification.* The applicant shall submit an indemnification agreement, as approved by the city attorney, holding the city harmless from any and all claims, suits, actions, damages or causes of action arising as a result of the special; event or of the condition of the premises on which the special event is held, including those arising during the event itself, and those arising during its preparation and removal before and after the event, for any personal injury or loss of life, or damage to or loss of property, and from and against any orders, judgements, or decrees which may be entered thereon, and from and against any costs and attorneys' fees incurred in and about the defense of any such claims, and the investigation thereof.

J. *Other materials.* Other materials and documentation as may be required by the parks and recreation director or designee.

(Ord. No. 2018-015, § 2, 8-16-2018)

Sec. 65-30. - Standards, guidelines and review criteria.

The standards and guidelines for evaluating special event permits are as follows:

A. *Location.* Special events within nonresidential zoning districts may occur only on properties possessing the following zoning district designations: B-1, B-2,

B-3, PCD, OP, OS, CR, and CF. In residential portions of PUDs, PCDs, or PRDs, a special events permit must be obtained for special events occurring on public or private schools, places of worship, and public parks. For private property in residential zoning districts, a special events permit is not required as long as the property owner can provide documentation that the event will not interfere with the public's safety and welfare which includes, at a minimum, evidence that parking will be provided on site and not spill to adjacent properties and that traffic or noise created by the event will not unduly burden a neighboring resident's quiet enjoyment of their property.

B. *Duration.* A special event on non-residential property shall not exceed seven (7) consecutive days. The city may authorize one (1) administrative time extension of up to seven (7) days for good cause and for the public interest of the city. Pumpkin sales and Christmas tree sales shall not exceed thirty (30) days. Special events on residential property shall be limited to two (2) days.

C. *Number per year.*

1. No more than two (2) special events at any given time may occur simultaneously at any commercial/office plaza. Special event applications will be reviewed and approved by the city on a first-come, first-serve basis. When competing applications for the same day, time, and location, priority will be given to pre-established annual events that are in good standing.
2. City-sponsored and city co-sponsored events are hereby exempt from the limitation on the number of events per year.

D. *Access.* With the exception of block parties, all efforts shall be made to provide vehicular access from a collector or arterial roadway.

E. *Traffic control.* Use of police officers or acceptable alternative to direct and control traffic may be required.

F. *Sanitation.* Plans for sanitation including temporary bathroom facilities, inspection of food facilities, drainage, garbage and litter control, and recycling shall be approved by the city.

G. *Compliance.* If a violation occurs at an event permitted by the city, the city manager may deny permits to the operator for future temporary events for a period of no more than eighteen (18) months.

H. *Public safety.* The applicant shall secure the necessary police and fire protection at its sole cost and expense, and the event shall not overburden police and fire.

I. *Noise ordinance.* The city prohibits unreasonable and disruptive noise that is clearly incompatible with the normal activities of certain locations at certain times. The city's noise ordinance, article IV, is applicable and enforceable to both public and private property within the city.

(Ord. No. 2018-015, § 2, 8-16-2018)

Sec. 65-40. - Denial of special event permit.

A special event permit is a special privilege granted by the city and may be denied for reasons such as, but not limited to, the following:

A. The application is not complete in all material. The city manager may allow for any additional materials to be submitted within seven (7) days of notification; or

B. All of the conditions set forth in this article and all contractual requirements imposed by the city, if any, have not been met; or

C. The special event will interfere with or unduly burden municipal services including, but not limited to, police, fire, and emergency medical protection, water and sanitary sewer service and solid waste removal; or

D. The special event will pose a threat to the health, safety or welfare of residents of the city or unduly burden the resources of the city; or

E. The application fee has not been paid; and

F. Any other valid reason including, but not limited to, noise, traffic, harm to the health, safety or public welfare, as so determined by the city manager.

(Ord. No. 2018-015, § 2, 8-16-2018)

Sec. 65-50. - Conditions for granting a special event permit.

All special event permit applications approved pursuant to this division shall be subject to the following conditions:

A. The public areas utilized shall be cleaned within twelve (12) hours following any special event, and in all respects restored to its former condition unless otherwise specified.

B. All city ordinances, rules or regulations applicable to the special event shall be observed unless indicated in such section or waived by the city manager for good cause and the public interest of the city.

C. The special event permit may be revoked by the city if any conditions listed in the permit arise any time after the issuance of the permit and prior to or during the special event.

(Ord. No. 2018-015, § 2, 8-16-2018)

Sec. 65-60. - Exemption of public right-of-way closures.

Any block party that is temporarily blocking off, fencing, or in any way appropriating any publicly dedicated street, sidewalk, or alley within the city for a block party is hereby exempt from an application fee. The permit application shall be subject to review by the city manager. Closure of any public right-of-way not within the city's jurisdiction shall require approval from the appropriate authority. A "block party" requires approval from the board of directors of a property owners association, if one exists, or a majority of residents living on the block to be closed to consent to closure, and the event must be sponsored solely by such residents and not be for any commercial or for-profit purpose.

(Ord. No. 2018-015, § 2, 8-16-2018)

Sec. 65-70. - Special event contract and city service fees.

The city may require, as a condition of a special event permit, that the applicant enter into a legally enforceable agreement with the city relative to the duties and responsibilities of the permit holder as a condition of the special event. By such agreement, the city shall require that the applicant pay to the city the municipal costs in providing services in support of the special event. The city may require that the applicant pay to the city a user fee for the use of public property.

(Ord. No. 2018-015, § 2, 8-16-2018)

Sec. 65-80. - Police services.

The city's law enforcement department shall review the permit application and assess the need for police services. If police services are required, the applicant will be informed of such and will take the responsibility for contacting the police department directly. The applicant is responsible for the cost of these services. The police chief or designee is the final authority on the need for police service, including the number of officers required and the hours assigned. Payment for police services, based on an estimate is required to be paid in full fourteen (14) days prior to the event. Payment adjustments, based on final invoice, is required to be paid in full fourteen (14) days after the event.

(Ord. No. 2018-015, § 2, 8-16-2018)

Sec. 65-90. - Fire rescue services/emergency medical services.

The city's fire rescue department shall review the permit application and assess the need for fire rescue services, fire watch and/or emergency medical services. If such services are required, the applicant will be informed of such and will take responsibility for contacting the fire rescue department directly. The applicant is responsible for the cost of such services. The fire chief or designee is the final authority on the need for fire rescue and/or emergency medical services. Payment for fire services, based on an estimate is required to be paid in full fourteen (14) days prior to the event. Payment adjustments, based on final invoice, is required to be paid in full fourteen (14) days after the event.

(Ord. No. 2018-015, § 2, 8-16-2018)

Sec. 65-100. - Appeal of permit application.

An appeal of the city manager's decision may be made pursuant to section 55-1510, administrative appeals.

(Ord. No. 2018-015, § 2, 8-16-2018)

Sec. 65-110. - Code enforcement jurisdiction.

The special magistrate shall have concurrent jurisdiction over violations of this division, but may only assess fines for noncompliance with the requirements of this division; in the alternative, the city may issue notices to appear in county court and prosecute violation in county court.

(Ord. No. 2018-015, § 2, 8-16-2018)

ARTICLE 70. - COMMERCIAL PROPERTY MAINTENANCE STANDARDS

Sec. 70-10. - Purpose and scope and application.

There is hereby promulgated and established a set of minimum building and property standards relating to the maintenance of commercial buildings and property within the city. These provisions shall apply to every commercial building or structure and its accessory structures, as well as any and all adjoining grounds which service the commercial building or structure, and undeveloped commercial property (as defined below) in the city. In all situations where a provision of this article conflicts with other building, health, safety or zoning regulations, the more restrictive standard shall prevail. All property subject to a rezoning ordinance, master plan, plat or site plan

approval shall comply with the requirements of said approval; the owner and any lessees of the property shall be responsible for said compliance and any property owners' association responsible for maintaining the property shall be responsible for compliance with all said requirements within common areas and abutting landscaped swales.

(Ord. No. 2015-09, § 2(Exh. A), 9-21-2015)

Sec. 70-20. - Maintenance of commercial structures and premises.

A. *Exterior protective coating on buildings.* All exterior surfaces of buildings, excluding roofs, shall be maintained in a good state of repair free from evidence of deterioration and protected from the elements by paint or other protective coating applied in a workmanlike fashion. Painted or protective coatings shall be without significant blemishes throughout the exterior.

B. *Building envelope.* Every foundation, exterior wall, window, door, roof and all other exterior surfaces shall be free of holes, cracks, breaks, loose, or rotted wood and any condition which might allow rain or moisture, vermin, pests or insects to enter the interior portions of the walls or to the occupied spaces of any commercial building or structure.

C. *Roof and gutter.* Roofs shall be structurally sound, watertight and shall prevent rainwater or moisture from entering the walls, ceilings or any other portion of the dwelling, commercial building or structure. All building roofs and gutters shall be kept free of faded or chipped paint and shall be maintained in good repair and in good condition to prevent deterioration, and must be cleaned (pressure and/or chemical), repainted or recovered with like materials when twenty-five (25) percent or more of any exposed roof surface becomes discolored or is scaling. In the event a roof tile is replaced, the replacement tile shall be of the closest possible color and shade to the existing roofing tiles.

D. *Miscellaneous elements.* Fences, exterior walls, exterior doors, exterior windows, dumpster enclosures, decorative walls, perimeter hedges, trellis, and utility enclosures shall be maintained in a good state of repair free of deterioration.

E. *Exterior paint.* Each exterior wall surface of buildings and structures shall be kept free of faded or chipped paint, and shall be maintained in a good state of repair and good condition to prevent deterioration, and must be cleaned (pressure and/or chemical), repainted or recovered with like materials when twenty-five (25) percent or more of any exposed surface becomes discolored or is peeling.

F. *Awning, canopies and marquees.* Any awning, canopy, or marquee and its supporting structural members shall be maintained in a good state of repair free of deterioration. Awnings or marquees made of cloth, plastic or of a similar material shall not show evidence of excessive weathering, discoloration, ripping, tearing or other damage.

G. *Signage.* All signage shall be maintained in the originally permitted and constructed condition.

H. *Trash, debris and overgrowth.* Rubbish, brush, weeds, broken glass, stumps, roots, obnoxious growths, filth, garbage, trash and debris shall not be disposed or permitted to remain on any premises. This subsection shall not apply to garbage, trash and debris, which is containerized in approved receptacles for appropriate collection and removal.

I. *Tree hazards.* Dead and/or dying trees and limbs or other natural growth which constitute a health or safety hazard to persons or property shall be removed and replaced if required by city Code requirements or site plan approval. Trees shall be kept pruned and trimmed to prevent the occurrence of a health or safety hazard as provided by section 95-1545, installation, maintenance and materials.

J. *Other aerial hazards.* Loose or overhanging objects which constitute a danger of falling on persons or property shall be removed.

K. *Ground surface hazards.* Ground surface hazards such as holes, excavations, breaks, projections, and obstructions on paths, walks, driveways, parking lots and parking areas, and other portions of the premises shall be repaired or removed.

L. *Landscaping and swale.* Premises and adjacent swales shall be kept landscaped, irrigated with rust free systems, mowed and maintained in good repair. All landscaping shall be in compliance with the approved site plan.

M. *Parking facilities.* All off-street parking spaces shall be paved asphalt or constructed of concrete or pavers designed for vehicular use areas and approved for use by the city engineer, and shall have smooth surfaces in good repair. Grass parking spaces, if specifically permitted per an approved site plan, must also be kept in a good state of repair.

(Ord. No. 2015-09, § 2(Exh. A), 9-21-2015)

Sec. 70-30. - Conduct of business.

A. *Activities to be conducted indoors.* All business activity shall be conducted within completely enclosed buildings except for off-street loading and those activities expressly permitted under section 10-4515, generally applicable limitations on uses.

B. *Outdoor storage prohibited.* All storage of materials, goods, or products shall be within a completely enclosed building. No temporary storage of any materials, goods, or products shall be permitted outside the building.

C. *Dumping prohibited.* The dumping of grease, food products, chemicals, hazardous wastes, dirty water or any other business byproducts on the grounds of or surrounding a business is prohibited.

D. *Outdoor cleaning.* The storage, cleaning and/or drying on the outside of a business structure of tools, utensils, cookware, linens, or any other items used in the

conduct of a business is prohibited.

E. *[Outdoor display.]* The display of miscellaneous products, goods, and items (including signs not permitted under article 100 on the outside of a business structure shall be prohibited.

F. *[Pedestrian access.]* All walkways, patios (including sidewalk cafe areas) shall be kept clean and free of grease, oil, food debris and other putrefying materials.

G. *[Windows, doors, and entrances.]* Display windows, main doors and other building entrances visible to the public shall be kept free of all materials such as supplies, trash, and debris and shall not be used as temporary storage areas. No more than ten (10) percent of said windows may be covered or blocked by merchandise.

(Ord. No. 2015-09, § 2(Exh. A), 9-21-2015)

Sec. 70-40. - Trash container areas.

A. All trash container areas shall be maintained in a manner which prevents the accumulation of trash, debris, rubbish and litter by providing sufficient dumpsters and sufficient frequency of trash pickups.

B. All new dumpsters, existing dumpsters and other containers shall be constructed and shall be located and maintained in such a manner so as to provide screening from public view. The doors and lids for all dumpsters must be closed at all times except when trash is being picked up.

C. All temporary storage containers and dumpsters, including roll-off dumpsters and other containers associated with new construction or interior remodeling in a shopping center shall be secured with opaque temporary fencing six (6) feet in height to screen them from view from the adjacent parking facility and streets. The planning and zoning director shall determine the location of the temporary storage containers and dumpsters in order to minimize their impact on adjacent parking areas, businesses and residential neighborhoods. All temporary dumpsters and storage containers shall be kept neat and orderly.

(Ord. No. 2015-09, § 2(Exh. A), 9-21-2015)

Sec. 70-50. - Parking and paved areas.

A. It shall be the responsibility of all persons to maintain all parking and paved areas including curbs and wheel stops in the original constructed condition free of breaks, cracks and other deficiencies. Paved areas must be repaired or replaced when any deterioration occurs to the extent that the road-rock or sub-base is visible. In addition, all parking and paved areas shall be maintained to ensure proper drainage and the routine cleaning/clearing of French drains to prevent the accumulation of pools of water and the correction and removal of all ruts, potholes, and broken pavement. Grass parking spaces, if permitted, must also be maintained in a good state of repair.

B. In parking areas, the parking spaces shall be maintained in a manner which clearly delineates said spaces and shall include maintenance of parking space signage, striping, directional markings, stop bars, or other indicators. This section shall apply to all paved area, including, but not limited to, parking areas and ingress or egress driveways. Additionally, a building permit shall be required for all resurfacing, resealing, restriping, replacement of parking areas.

C. All owners and tenants of property with an illuminated exterior or garage parking facility, regardless of the date of installation of the facility, must replace or repair any light that becomes nonfunctional. A city inspector or code enforcement office shall give the property owner or tenant written notice of any such malfunction, which must be corrected within five (5) calendar days of such notice.

(Ord. No. 2015-09, § 2(Exh. A), 9-21-2015)

Sec. 70-60. - Landscaping maintenance requirements.

All owners of land shall be responsible for the maintenance of all landscaping. This includes mowing and maintaining abutting rights-of-way where applicable, swales, lake and canal banks. Landscaping shall be maintained in a good condition so as to present a healthy, neat and orderly appearance at least equal to the original installation and shall be mowed or trimmed in a manner and at a frequency so as not to detract from the appearance of the general area. Landscaping shall be maintained such that it will not cause 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. Landscaping shall be maintained in accordance with section 95-1545, installation, maintenance and materials.

(Ord. No. 2015-09, § 2(Exh. A), 9-21-2015)

Sec. 70-70. - Maintenance of retention/detention areas.

Retention and/or detention areas shall be kept free of any rubbish, filth, construction debris, litter, garbage, grass cuttings, poisonous or deleterious substance, or substances liable to affect the health, safety and welfare of persons or native marine wildlife.

(Ord. No. 2015-09, § 2(Exh. A), 9-21-2015)

Sec. 70-80. - Parking of commercial vehicles.

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 commercial zoning district.

B. Vehicles which have an active commercial or business purpose, for which the owner or person having the use of said vehicles holds a current and valid business tax receipt for a business location on the commercially zoned premises where the vehicle is parked, shall be parked, stored or kept in the closest available parking space in front of or at the rear of the building where the related business is located, in a clearly delineated parking space that is adequately sized to accommodate said vehicle. 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 completely screened from view from such street or zoning district with an opaque screen consisting of a building enclosure, wall, hedge, berm, or combination thereof.

(Ord. No. 2015-09, § 2(Exh. A), 9-21-2015)

Sec. 70-90. - Repairs and installations.

Repairs and installation shall be made so as to comply with the City of Parkland Code of Ordinances and the Florida Building Code, and the approved site plan. All work shall proceed in a timely fashion and be done in workmanlike manner.

(Ord. No. 2015-09, § 2(Exh. A), 9-21-2015)

Sec. 70-100. - Code enforcement jurisdiction.

The city shall enforce this article as set forth in chapter 2 of the City of Parkland Code of Ordinances.

(Ord. No. 2015-09, § 2(Exh. A), 9-21-2015)

ARTICLE 75. - COMMUNITY APPEARANCE BOARD AND STANDARDS

Sec. 75-10. - Composition of board.

The city commission is hereby constituted and appointed to serve as the community appearance board (CAB) with final authority to administer this article and to grant all approvals as required herein. The city commission shall be the final arbiter of compliance with this article.

(Ord. No. 2015-09, § 2(Exh. A), 9-21-2015; Ord. No. 2017-13, § 2, 11-1-2017; Ord. No. 2018-019, § 3(Exh. B) 4-3-2019)

Sec. 75-15. - Designated design review professional and staff review.

A. The city commission may appoint one (1) or more designated design review professionals (DDRP) to assist the planning and zoning director with review of applications submitted pursuant to article 75 of the [land development] code.

B. A selected DDRP shall be an architect, urban planner, urban designer, or landscape architect licensed, as applicable, to practice in the State of Florida.

C. The planning and zoning director may delegate application review responsibilities to the DDRP as he/she deems appropriate, based on project size and complexity, and not all applications shall require review by the DDRP.

D. When an application is delegated to the DDRP for review, the DDRP may meet with applicants; may request additional information reasonably related to the application; and shall offer a written recommendation to the city as to compliance with the standards set forth in article 75. The recommendation shall be either for approval, approval with conditions, or denial. The DDRP shall include support for any those recommendations. For all other cases, the planning director or his/her designee shall provide a recommendation to CAB, and when applicable, the PZB.

(Ord. No. 2017-13, § 3, 11-1-2017; Ord. No. 2018-019, § 3(Exh. B) 4-3-2019)

Sec. 75-20. - Determination of compliance with community appearance standards.

A. *Required review and approval.*

1. No building permit shall be issued to erect a building or structure (including signs) or to materially alter a front, rear, or side elevation of any existing building or structure without the CAB having first reviewed and approved the proposed project/application for compliance with the city's community appearance standards as set forth herein except for the following:
   a. Single-family homes, unless part of a planned community with two (2) or more lots, shall be exempt from article 75. Planned community herein shall mean a PUD, PRD, or other subdivision developed under unified control.
   b. CAB applications for construction shall be reviewed administratively by the planning and zoning department and shall not require a public hearing.
2. Applicants may obtain CAB approval at either the site plan, master plan (for planned residential or commercial developments) or building permit stage in the development review process; except as otherwise required within the planned residential and commercial district standards.
   a. To obtain approval at the site plan or master plan stage however, the applicant must provide architectural drawings/elevations and specifications in

sufficient detail to enable the CAB to determine compliance with this article. If CAB approval is obtained at the site plan or master plan stage, all subsequent plans and drawings submitted for issuance of a building permit must conform with what was approved at the site plan stage or the applicant will be required to obtain approval of the modifications pursuant to the procedure set forth in section 30-100, administration.

b. When CAB approval is sought subsequent to master plan or site plan approval, such approval shall not act to vest any rights in regard to CAB approval. If in order to comply with a CAB approval, denial, or approval with conditions, a site plan or master plan modification is required, the applicant shall make such changes as necessary.

3. Any application requiring master plan and/or site plan approval along with CAB approval shall be considered by the planning and zoning board prior to the community appearance board. An application that does not require master plan or site plan approval, but does require CAB approval, such as a wall sign, shall not require a hearing before the planning and zoning board, and shall proceed directly to the community appearance board.

a. The exception is that all proposed residential models, requiring approval by the city, shall be reviewed by both the planning and zoning board and city commission.

b. When models receive CAB approval, all units must be built in compliance with the overall approved models.

4. Modifications to previously approved CAB applications may be processed in accordance with the procedures of section 30-100, administration.

5. Applications for building permits for wall signs shall not require CAB approval provided that the CAB has previously approved a uniform sign program for the commercial center where the sign will be located. However, if the design of the proposed sign differs in any way from the approved sign program, then a uniform sign plan amendment must be submitted as a CAB application.

6. Any repainting of a structure other than a single-family home shall first be approved by the planning and zoning director according to the standards set forth herein before such repainting may commence. The city manager, however, is hereby authorized to promulgate rules applicable to the repainting of structure which may be different from those stated.

B. *Application requirements.*

1. It shall be the responsibility of the applicant for a development permit to provide a completed CAB application to permit a determination as to compliance with this article.

2. In addition to complying with the submittal requirements herein, every CAB application shall include a written report by the applicant indicating how the proposed project meets the community appearance standards set forth herein. Said report should provide a separate response for sections 75-50 through 75-210, as applicable to the submittal.

3. Every CAB application shall be accompanied by detailed plans which shall provide sufficient information to show the scope of the planned construction and demonstrate compliance with the requirements of this article. No permit for the construction or addition to any building, excluding single-family dwellings, shall be issued until and unless the plans therefore have been approved as being in accordance with the standards of this article. The planning and zoning director, or his/her designee, shall review plans at the time of permit issuance for compliance.

4. A PRD CAB application for proposed residential models shall include lot fit studies for all proposed combinations of standardized lot sizes and models. The lot fit study shall include the proposed structural siting, landscaping, driveway, mechanical equipment, and any other proposed built features.

(Ord. No. 2015-09, § 2(Exh. A), 9-21-2015; Ord. No. 2017-13, § 4, 11-1-2017; Ord. No. 2018-019, § 3(Exh. B) 4-3-2019; Ord. No. 2019-007B, § 2(Exh. A), 9-25-2019)

Sec. 75-30. - Compliance with other code provisions.

The requirements of this article are in addition to all other requirements of this chapter. Approval by the CAB of a given set of plans and specifications does not necessarily constitute evidence of the applicant's compliance with other requirements of this code.

(Ord. No. 2015-09, § 2(Exh. A), 9-21-2015; Ord. No. 2018-019, § 3(Exh. B) 4-3-2019)

Sec. 75-40. - Violations.

A. It shall constitute a violation of this article for any owner, agent, or person having charge of or occupying any lot or premises covered by the provisions of this article to refuse, neglect or fail, for a period of fifteen (15) days after receiving notice from the city of any violation hereof, to remedy such violation without further notice or provide a method of remedy satisfactory to the city.

B. Violations of this article may also be referred to the special magistrate for disposition. In such events, the person alleged to be in violation of this article and the city shall be governed by the provisions governing special magistrate regarding notice and procedures for enforcement. The maximum fine shall be in an amount not to exceed five hundred dollars ($500.00) for each violation. Every day a violation continues to exist shall be deemed a separate violation.

(Ord. No. 2015-09, § 2(Exh. A), 9-21-2015; Ord. No. 2018-019, § 3(Exh. B) 4-3-2019)

Sec. 75-50. - Intent.

The intent of the city's community appearance standards is to ensure that all nonresidential developments, residential subdivisions with more than two (2) lots, and multifamily developments are constructed in a quality manner and complement Parkland's existing natural (parklike) and built (small town/village) environment. These standards are not intended to restrict imagination, innovation, or variety, but rather they are to assist in focusing design principles that will result in creative solutions to develop satisfactory visual appearance within the city, preserve taxable values, and promote the public health, safety, and welfare.

A. *Commercial development.* A primary emphasis of any new or expanded commercial development shall be to create an attractive and pedestrian-friendly environment. As such, all new multi-building commercial projects should provide meaningful public gathering spaces (e.g., plazas and courtyards) and walkways as well as other amenities including water bodies, fountains, lush landscaping, decorative lighting, pavers, and other appropriate hardscape.

B. *Other nonresidential development.* A primary emphasis of any other new or expanded nonresidential development shall be to create an attractive development that is compatible and complimentary to existing and future adjacent residential development.

C. *Residential developments.* The primary emphasis of a planned development shall be aesthetic compatibility of the architectural design with the natural (parklike) and small town/village environment of the city.

D. *All development.*

a. *Site planning and layout.* A primary emphasis on development that highlights community features for enhanced appearance, safety, convenience, and social interaction through circulation connectivity, street hierarchy, and siting of open space.

b. *Open space and landscaping.* A primary emphasis on development that supports a high quality of life through appropriate usable common open space, community amenities, retention of mature trees, new planting of large trees, and various colors and textures.

c. *Building design and architecture.* A primary emphasis on development that utilizes high quality design elements, and incorporates a variation in building massing, articulation, heights, materials, and styles.

(Ord. No. 2015-09, § 2(Exh. A), 9-21-2015; Ord. No. 2018-019, § 3(Exh. B) 4-3-2019)

Sec. 75-60. - Required general design elements.

The city considers the following design features to be general required elements, as applicable, of all development and the standards and guidelines set forth in subsequent sections of this article are intended to facilitate the incorporation of as many of these features into a proposed project as feasible and appropriate.

For new commercial development, it is emphasized that the appearance of a strip center (as defined in section 5-3530, strip centers prohibited) shall be prohibited and shall cause any application to be denied.

It is important to note that the images are intended to serve as a general guide and thus need not be followed exactly as depicted.

A. Visual compatibility with development on adjacent sites.

B. Building scale and mass that is compatible with adjacent or nearby development, especially residential.

C. Preservation of natural site features.

D. Landscaping and screening of parking areas with extensive use of shade trees.

E. Significant landscape and hardscape (e.g., decorative pavers) elements throughout all of the site.

F. Use of quality exterior building materials (e.g., stone and brick), surfaces, and textures and avoidance of large stretches of unadorned stucco.

G. Articulated building forms and massing with significant wall articulation and variation (e.g., insets, canopies, wing-walls, trellises).

H. Multi-planed, pitched roofs with meaningful overhangs, covered walkways, awnings and arcades.

I. Step-down of building scale adjacent to pedestrian routes and building entrances.

J. Pedestrian-oriented ornamentation and detail at ground level.

K. Building locations that provide significant pedestrian courtyards, plazas, or other common gathering areas with coordinated site furniture and lighting.

L. Incorporation of water bodies as a prominent site amenity.

M. Provision of a clearly delineated pedestrian circulation system including walkways along buildings, of sufficient size within commercial developments to accommodate potential outdoor dining and desired hardscape improvements.

N. Connection of the on-site pedestrian/bicycle circulation system with adjoining off-site sidewalks, bikeways, and other trails.

O. Prominent access driveways with clear visibility of entrances.

P. Master parking and access plans that provide for cross access between adjoining nonresidential sites and minimize the number of curb cuts off of collector and arterial roads.

Q. Signage which complements, and is in scale with, the building architecture.

R. Screening of any visible outdoor storage, loading, or equipment areas.

S. Exterior lighting that confines light spread and minimizes glare.

(Ord. No. 2015-09, § 2(Exh. A), 9-21-2015; Ord. No. 2018-019, § 3(Exh. B) 4-3-2019)

Sec. 75-70. - Green design components.

All development and redevelopment within the City of Parkland shall demonstrate components of sustainable and/or green building and site design, as defined by the USGBC.

A narrative shall be provided with each application to include how the development incorporates and addresses the following design elements, unless otherwise waived by the city commission:

A. Sustainable and/or green building principles, as defined by USGBC.
B. Preservation of natural features and vegetation.
C. Water management, efficiency, and conservation.
D. Stormwater retention, treatment, and management.
E. Energy efficiency and conservation including active and passive design elements.
F. Waste management and recycling.
G. Heat island mitigation.
H. Climate and storm resiliency.
I. Low impact design elements (LID).

(Ord. No. 2015-09, § 2(Exh. A), 9-21-2015; Ord. No. 2018-019, § 3(Exh. B) 4-3-2019)

Sec. 75-80. - Building and parking area location/orientation.

A. The height, scale, and mass of buildings shall be compatible with the neighboring area especially when located near residential development.
B. Where surrounding development is of a smaller scale, larger-scale buildings should be located internal to the site and transition down in scale to the outer edge of the site.
C. Adjacent buildings of different architectural styles shall be made compatible by such means as screens, sight breaks, and materials.
D. Attractive landscape transition to adjoining properties shall be provided, as determined by a designated landscape plan reviewer on behalf of the city.
E. Multiple buildings in a single project shall create a positive functional relationship to one another. Where possible, multiple buildings within a nonresidential development shall be clustered to achieve a "village" scale. This creates opportunities for plazas and pedestrian areas while preventing long "barracks-like" rows of buildings. When clustering is impractical, a visual link shall be established between buildings with the use of an arcade system, trellis, colonnade, covered walkways, landscaping, enhanced paving, building articulation and detailing, or similar features.
F. Orienting some buildings within a multiple-building nonresidential or multiple-family development closer to the street to screen parking in the interior of the site, and provide strong pedestrian connections to buildings is encouraged where appropriate (e.g., does not negatively impact any abutting residential areas).
G. If the design of a commercial site does not lend itself to a functional storefront facing a street, all building facades facing streets shall be designed with enhancements comparable to that of the primary facade. Design enhancements may include real and/or faux windows, awnings/pedestrian arcades, outdoor seating/public plaza, landscape features, or other design elements that meet the intent of this subsection.
H. Building entrances shall be positioned so they are easily identifiable from the interior drives and parking lots.
I. Parking lot areas shall be located away from, and must be well screened and buffered from, any adjacent or nearby residential development.
J. Parking setbacks from all streets shall be adequate to allow for all required buffering or screening.
K. Exclusive of on-street parking, surface parking for multi-family units shall be screened from public streets by intervening buildings and/or landscaping. Preferably, multi-family surface parking will be located at the rear of buildings, away from public rights-of-way.

(Ord. No. 2015-09, § 2(Exh. A), 9-21-2015; Ord. No. 2018-019, § 3(Exh. B) 4-3-2019)

Sec. 75-90. - Parking area design.

A. Large surface parking areas and other expansive areas of paved surfaces should be avoided in favor of a series of smaller parking fields. Smaller parking fields can be incorporated by physically separating parking areas with buildings and plazas, and may also be delineated with an on-site circulation system that utilizes uninterrupted drive aisles, landscape islands and planters, pedestrian walkways, or any combination thereof.
B. Parking areas shall be fully screened from view from public roads using plantings, building wall extensions, berms, or other innovative design means.
C. Designs that provide for on-street parking in front of buildings may be considered if appropriate given the layout of the site.
D. Parking lots should have direct pedestrian connections to the building entry points, especially if the parking is located along the side and/or behind the buildings. Designated pedestrian access shall be provided from all parking areas to the primary building entrances.

E. Parking lots should be designed to avoid dead-end aisles.

F. Parking areas shall be separated from buildings by a landscaped strip or a raised concrete walkway or pedestrian plaza whenever possible.

G. Parking aisles should be oriented perpendicular to buildings in order that pedestrians walk parallel to moving cars, and to minimize the need for pedestrians to cross multiple parking aisles and landscape areas.

H. The practice of aligning all travel lanes in parking lots in long straight configurations is discouraged.

I. Curbed landscaping islands should be used to designate a change in direction of parking stalls and aisles.

J. Cross-access easements shall be provided, whenever practical and feasible, between adjacent lots to facilitate the flow of traffic between complementary users.

K. Applicants may request that the city consider designs that provide for shared parking between different uses with staggered peak parking demand in order to reduce the total number of spaces within the development.

L. Applicants may request that the city consider the use of properly designed grass parking areas for developments that have only periodic parking demand (e.g., places of worship).

M. Driveways on detached, single-family residential lots shall be designed to accommodate two (2) adjacent parked cars within the driveway.

1. These driveways shall have a driveway pad measuring, at a minimum, twenty-two (22) feet in width at the point where cars are proposed to park.
2. Driveways shall be designed to be a minimum of twenty-four (24) feet in length. Automobiles parked in driveways shall not be permitted to hang over adjacent sidewalks or block points of sidewalk crossing.

N. Applicants shall comply with all other off-street parking and loading standards set forth in article 90 of the land development code.

(Ord. No. 2015-09, § 2(Exh. A), 9-21-2015; Ord. No. 2018-019, § 3(Exh. B) 4-3-2019)

Sec. 75-100. - Architectural design.

Unless specified as only applicable to commercial buildings, the following design criteria shall apply to all development which is subject to CAB review:

A. *Building scale, massing, and forms.*

1. Buildings subject to CAB review shall be designed with an architectural style and/or theme. The intent of this requirement is to ensure that there is a common design language for all buildings within a development, such that all buildings are architecturally compatible, and together form an architecturally integrated development.
2. The design of all buildings shall employ textured surfaces, projections, recesses, color, window patterns, overhangs, reveals, changes in parapet heights, and similar architectural devices to avoid monolithic shapes and surfaces and to emphasize building entries. The use of long, unbroken, flat walls shall be prohibited.
3. Building facades greater than eighty (80) feet in length, measured horizontally, shall incorporate wall plane projections or recesses having a depth of at least three (3) percent of the length of the façade—but not less than three (3) feet—and extending at least twenty (20) percent of the length of the facade. No uninterrupted length of any facade shall exceed eighty (80) horizontal feet.
4. Building facades shall also include a repeating pattern of two (2) or more of the following design elements/features:
   a. Variations in color.
   b. Variations in texture.
   c. Change in relief.
   d. Material module change.
5. Designs should emphasize floor lines or express rhythms and patterns of windows, columns, cornices, dormers, and other architectural features.
6. Building components such as windows, doors, eaves, and parapets shall be proportionate, relate to one another, and be compatible in size and design.
7. Commercial building design criteria (not applicable to residential development).
   a. Building entries and street side facades of commercial structures shall be designed with elements that enhance pedestrian comfort and orientation while presenting features with visual interest that invite activity.
   b. Ground floor facades that face public streets shall have arcades, entry areas, awnings, canopies, or other such features. Shopping centers and other buildings designed for retail, personal services, health clubs, entertainment, restaurant and similar uses should be primarily comprised of large display windows that together comprise seventy (70) percent or more of the façade, and which start not higher than three (3) feet from adjacent grade and extend to the top of the tenant space. Landscaping and architectural detail at the street level should be used to soften the edge of the building and enhance the pedestrian scale and streetscape.
   c. Each public entrance to a building shall be clearly defined and highly visible, featuring one (1) or more of the following:
      1. Canopies or porticos.
      2. Overhangs.
      3. Recesses/projections.

4. Arcades.
5. Raised corniced parapets over the door.
6. Peaked roof forms.
7. Arches.
8. Display windows.
9. Architectural details such as tile work, moldings, stone or brick integrated into the building structure and design.
10. Integral planters or wing walls that incorporate landscaped areas and/or places for sitting.
11. Special paving patterns and materials.

d. Multi-tenant buildings shall not exceed a total length of two hundred (200) feet. Adjacent multi-tenant buildings shall have a minimum building separation of fifty (50) feet between the structures, or a minimum primary building line offset of fifteen (15) feet.

8. The rear and sides of residential structures shall be aesthetically enhanced and of an architectural character comparable with the front of the structure. Similar materials and elevation treatments shall be applied to all elevations, ensuring continuity from the front to the rear.
9. All ground-floor residential principal entrances shall include a porch, portico, patio, courtyard or similar feature to visually define the primary entrance area. These spaces shall be proportionate to the overall façade.
   a. All single-family principal entrances shall face a street or a shared common greenspace. When it is not feasible for multi-family entrances to face a street, paseos or a similar feature should serve as the front or face of units.
   b. Entrance areas for detached residential units shall have a minimum useable depth of six (6) feet, and shall be a minimum of forty-eight (48) square feet.
   c. Entrance areas for attached residential units shall have a minimum depth of four (4) feet, and shall be a minimum of twenty-five (25) square feet.
   d. Entrances may project forward of the residential structure façade or may be recessed.
10. All single-family detached homes shall be designed to incorporate a rear covered patio area.
11. All multi-family units including townhomes shall have individual exterior entrances, providing direct unit access. Unenclosed common hallways shall be prohibited.
12. Non-garage dominant architecture. Garage doors shall not be a prominent visual element of residential structures. Residences shall be designed to visually deemphasize the presence of garage doors by complying with the following standards.
   a. If front-loaded, the garage frame and door shall be setback from the front primary building line a minimum of five (5) feet.
   b. Garage doors facing a street shall not comprise more than fifty (50) percent of the linear façade frontage of the entire structure.
   c. When side-loaded, the street facing façade of the garage shall be adorned and include windows and architectural features to avoid a plain façade. Side-loaded garage facades shall not comprise more than sixty (60) percent of the linear façade frontage of the entire structure.
   d. All garage doors shall include architectural elements such as windows or decorative features such as embellished hardware. Plain or unadorned garages shall not be permitted.
   e. Residential garages for multi-family and townhome residences are encouraged to be rear-loaded.
   f. The width and number of garage door(s) shall directly relate to the number of cars accommodated within the garage. For example, a garage with a two-car garage door shall be capable of parking two (2) cars within the garage.
13. Mailbox design. Common or shared mailboxes shall be designed to match the architectural style of the primary building or residences that they serve. The mailbox area shall include a roofed structure that provides adequate shelter from inclement weather.

B. *Roof forms and materials.*

1. Roof lines shall not run in long, continuous planes.
2. Flat roofs, partial mansard roofs, and pitched roofs that do not reach a true peak or hip shall be prohibited; except that flat roofs may be permitted for non-residential buildings.
   a. All pitched roofs shall maintain a minimum pitch of 3:12. This minimum pitch shall not apply when Florida Building Code requires an alternate slope for a specific roofing material.
   b. Small-scale nonresidential buildings are encouraged to integrate pitched roofs rather than flat roofs where feasible.
3. Roof materials shall be of high quality, durable, and consistent with local architectural themes. The roof material shall consist of Spanish tile, barrel tile, neutral colored stone tile, or a similar neutral material of similar quality. Metal roofs may be considered by the city when consistent with the use and architecture of a structure.
4. Roof forms shall be designed to correspond to, and denote, building elements and functions such as entrances, arcades, and porches.
5. Roof forms shall relate to adjacent buildings or developments.
6. Rooftop mechanical units shall be screened from view from adjacent rights-of-way and properties with architecturally integrated screening units, roof

parapets, or sloped roof forms.

C. *Building materials.*

1. Exterior building materials shall be of high quality and include at least one (1) of the following as the predominant exterior building surface:
   a. Stone.
   b. Brick.
   c. Stucco covered concrete.
   d. Wood.
2. Predominant building materials shall not include the following:
   a. Highly reflective materials such as bright aluminum and glass.
   b. Painted metal.
   c. Painted concrete.
   d. Plain unfinished concrete block or large expanses of unarticulated stucco.
   e. Pre-fabricated steel panels.
   f. Tilt-up concrete panels.
3. Materials should be utilized in their natural texture and color.
4. Substantial materials such as natural stone and masonry should be used on the lower levels of buildings to visually anchor them to the ground.
5. Plexiglas, glossy metal and backlit vinyl awnings are prohibited.
6. All glass shall be non-reflective.
7. Detached accessory structures over seventy-five (75) square feet, shall be consistent with the architectural style, materials, and color of the principal structure.

D. *Building colors.*

1. The use of high intensity, metallic, fluorescent, or black colors is prohibited. Building colors including the body and trim shall be neutral, earth, or natural toned. Residential exterior doors shall not be subject to color restrictions by the city.
2. Color palettes for new buildings should be compatible with the colors of adjacent structures.
3. Architectural detailing should be painted to complement the facade and coordinate with adjacent buildings.
4. Roof colors shall be neutral, earth, or natural toned and compatible with the dominant building color.

(Ord. No. 2015-09, § 2(Exh. A), 9-21-2015; Ord. No. 2018-019, § 3(Exh. B) 4-3-2019; Ord. No. 2019-007B, § 2(Exh. A), 9-25-2019)

Sec. 75-110. - Pedestrian amenities for commercial developments.

A. *Required design elements.* All commercial developments with multiple buildings or tenants shall be designed to include one (1) or more of the following features:

1. Pedestrian plazas and courtyards that are of such scale, design and/or location to be a focal point of activity and/or interest. Such areas shall not just be aesthetically pleasing, but they shall also be designed to serve as truly functional and desirable places of public interaction and enjoyment (e.g., providing ample covered/shaded areas).
2. Outdoor dining areas and sidewalk cafes that bring activity to plazas and courtyards, optimally placed at the edge of open spaces, or located along building and street frontages. Where feasible, create a sense of enclosure for such outdoor dining areas.
3. Walkways and breezeways that provide connections between buildings and other site amenities. When located along storefronts, walkways should be of sufficient width to accommodate potential sidewalk cafes and shall be primarily covered with building overhangs, trellises, awnings, or a combination thereof.
4. Water bodies that serve as a site amenity both in terms of design (e.g., size/shape/use of fountains) and interaction with other pedestrian amenities (e.g., outdoor dining areas and walkways).
5. A significant architectural landmark feature.

B. *Open space.* Open space areas for pedestrian use shall be aggregated in conspicuous and easily visible areas of high pedestrian activity.

C. *Pedestrian area enhancements.* Commercial developments shall delineate areas designed for pedestrian activity with two (2) or more of the following features:

1. *Accent paving*. Such paving should be used to highlight plazas, courtyards, walkways, breezeways, and building entrances.
2. *Landscaping.* Lush in-ground plantings should be provided around pedestrian amenities to enhance aesthetic appeal and provide ample shading. Project landscaping should also include wall and/or raised planter boxes, vases/pots, and flowering vines both on walls and arbors.
3. *Fountains, gazebos, artwork, and other similar features.* Such features should be located to draw attention to and stimulate interest in pedestrian

amenities.

4. *Decorative lighting.* Such lighting should be of relatively low intensity and not produce any glare. Wall mounted decorative lighting fixtures should complement the architecture of the building to which they are affixed. Decorative lampposts should also complement the architecture of the overall project and be in scale with their surroundings.
5. *Furnishings.* Pedestrian areas should be furnished with chairs, tables, benches, and trash containers. Such furnishings should be compatible in terms of design, color, and quality of materials used (no plastic) with the overall development in which they are located.

(Ord. No. 2015-09, § 2(Exh. A), 9-21-2015; Ord. No. 2018-019, § 3(Exh. B) 4-3-2019)

Sec. 75-120. - Vehicular access and circulation.

The following access standards shall apply to all development subject to CAB review:

A. Site access points shall be located as far as possible from street intersections to provide maximum vehicle stacking room.
B. The number of street access driveways shall be minimized by combining curb cuts servicing adjacent uses.
C. Site entries shall be located and designed to minimize pedestrian/vehicular conflicts.
D. Entrances should align with focal points within the development.
E. Driveway entrances shall not directly line up with head-in parking.
F. Internal roadways and driveways shall incorporate design elements of gateway entries, including use of pavers, landscaping, and lighting. The provision of tree-lined drive aisles should be emphasized.
G. Conflicts between adjacent parking lots shall be avoided by maintaining similar directions of travel and parking design.
H. Drive-thru lanes and gated entries shall allow for a vehicle stacking distance that accommodates anticipated demand without impairing traffic circulation.
I. Drive-thru facilities and stacking lanes shall not be located within required front yards and shall be adequately screened from view.
J. Drop-off points shall be located near building entries and plaza areas.
K. Traffic patterns shall be designed to accommodate emergency vehicles.
L. Decorative paving shall be used to identify primary entries and crossing areas.

(Ord. No. 2015-09, § 2(Exh. A), 9-21-2015; Ord. No. 2018-019, § 3(Exh. B) 4-3-2019)

Sec. 75-130. - Pedestrian, bicycle, and equestrian circulation.

The following standards shall apply to all development subject to CAB review:

A. Separate vehicular and pedestrian circulation systems shall be provided with a strong emphasis on pedestrian linkages between uses. Separation of systems should be created through design elements such as changes in grade, materials (e.g., decorative pavers), landscaping screens, structures/barriers, etc.
B. Developments shall be linked with surrounding areas and uses by extending sidewalks, bike paths and trails directly into and across the development, and across property lines, thereby providing convenient, direct pedestrian and bicycle access to adjoining development.
C. Sidewalks shall be designed and maintained with smooth and continuous surfaces that do not represent a tripping hazard.
D. Developments shall provide well-identified connections from perimeter sidewalks and bike paths to the primary pedestrian and bicycle paths within the development. Pursuant to ADA requirements, all developments shall be designed with a minimum of one (1) designated pedestrian path from each abutting street to the primary entrance of the development.
E. Whenever possible, walkways shall be aligned directly and continuously to connect pedestrian destinations.
F. Internal pedestrian walkways should be designed to avoid the crossing of drive-through lanes and service drives.
G. Bicycle racks and parking spaces shall be near both customer and employee building entrances but be careful not to obstruct said entrances or the flow of pedestrian traffic.
H. Where appropriate, provide connections to adjacent equestrian trails and provide facilities (e.g., mini corral) for horses.
I. Prominent pedestrian crossing areas shall be designed with decorative pavers or similar definition.

(Ord. No. 2015-09, § 2(Exh. A), 9-21-2015; Ord. No. 2018-019, § 3(Exh. B) 4-3-2019)

Sec. 75-140. - Landscaping design.

The following standards shall apply to all development subject to CAB review:

A. Landscaping shall be designed as an integral part of the overall site plan with the purpose of enhancing building design, public views and spaces, and providing buffers, transitions, screening, and shade.

B. Existing desirable landscape elements and topographical features on the site should be incorporated into the design.

C. Perimeter landscaping shall soften and help beautify the appearance of the overall development, but need not totally screen the development from any public view.

D. Landscaping adjacent to and within parking facilities shall screen vehicles from adjacent rights-of-way and properties, provide shade, and minimize the expansive appearance of parking lot fields. The extensive use of shade trees is required in parking facilities.

E. Landscaping along building facades facing a parking lot or street shall anchor the building to the surrounding environment and soften its appearance. In-ground landscaping should comprise the majority of the landscaping requirement. Raised planters are acceptable when designed to accentuate the architecture and/or enhance pedestrian areas.

F. Unity of design shall be achieved by repetition of certain plant varieties and other materials.

G. Plant material shall be selected for interest in its structure, texture, and color and for its ultimate growth. Plants that are indigenous to the area and others that will be hardy, harmonious to the design and of good appearance shall be used. Plant material shall be in accordance with the landscape manual maintained by the city.

H. Plants shall be protected by appropriate curbs, tree guards, or other devices when susceptible to injury by pedestrian or motor traffic.

I. Dense landscaping and/or architectural treatments shall be provided to screen unattractive views and features such as storage areas, trash enclosures, utility cabinets and other similar elements.

J. Landscaping and accent paving shall be used to help define and beautify main project entrances. Entries to multi-tenant projects should be designed as special statements reflective of the character and scale of the project in order to establish identity for tenants, visitors, and patrons. Landscaping should be the predominant component of the design of such entries versus hardscape components such as walls, fountains, and signage. Planting design should have focal points at project entries, plaza areas, and other areas of interest using distinctive planting and/or landscape features.

K. Special landscape treatment shall be given to street intersections while taking into account sight-line issues. Improvements should complement driveway entry landscaping and enhance the character/design of the overall development.

L. The proposed landscape and irrigation design shall promote water conservation. Water requirements may be reduced by providing for:

1. Preservation and reestablishment of native plant communities;
2. The use of drought-tolerant, site specific, and shade-producing plants;
3. Design and maintenance of irrigation systems which eliminate waste of water due to over application or loss from damage;
4. Rain and grey water reclamation.

M. Trees located within project sites should be properly maintained by pruning from the bottom instead of cutting off the tops.

N. Chain link fence shall be prohibited, unless completely screened from view by landscaping at the time of installation.

O. Palms are encouraged to be used as accent plantings rather than a wide spread application. In general, there is a preference for canopy trees where feasible.

(Ord. No. 2015-09, § 2(Exh. A), 9-21-2015; Ord. No. 2018-019, § 3(Exh. B) 4-3-2019)

Sec. 75-150. - Exterior lighting.

A. Parking area light fixtures shall be designed with a concealed/recessed light source that shields light downward and confines light spread within a site's boundaries and does not adversely impact any adjoining residential areas.

B. Site lighting shall provide consistent levels of illumination, avoiding pockets of very high or low levels of illumination.

C. All building entrances and other areas of special security concern shall be well lit.

D. Adequate and appropriate light levels shall be provided for each site condition.

E. Lighting sources shall be color-correct types such as Halogen or metal halide.

F. The same type poles and fixtures should be used throughout a multi-building project site and be compatible with those found on adjacent nonresidential properties.

G. When not dictated by FPL, all light poles shall be decorative in nature. Decorative elements may include, but are not limited to, accented bases, posts, finials, or lamps.

H. The use of light poles that are shorter than the maximums allowed in this code is encouraged, provided that illumination levels meet all intensity and safety requirements.

I. Parking lot poles should be located in medians or perimeter buffer areas wherever possible. Landscaping improvements shall not conflict with the location of poles.

J. Pedestrian-scale lighting, in no case higher than twenty (20) feet above grade, should be provided for walkways, plazas and other areas designed for use by pedestrians.

K. Decorative lighting fixtures mounted directly on structures may be allowed when utilized for walkways or plazas near buildings provided the level of illumination is relatively low-intensity.

L. "Wall paks" are permitted only in loading and service areas, and shall be down-lit.

M. Neon tubing is not acceptable as a building accent or to accentuate a building's form.

N. Lighting should be used to highlight entrances, art, terraces, and special landscape features; however, fixtures should be concealed to prevent glare.

(Ord. No. 2015-09, § 2(Exh. A), 9-21-2015; Ord. No. 2018-019, § 3(Exh. B) 4-3-2019)

Sec. 75-160. - Signage for commercial centers.

A. The primary function of business signage for any commercial center shall be to identify the location of businesses but not to serve as a supplementary means of advertisement.

B. All integrated commercial developments within the city (e.g., multiple tenants or buildings) shall establish a uniform sign program to ensure compatibility between signs throughout the project.

C. Such sign programs may provide for the use of on-site wayfinding signs to assist in the location of stores in large commercial centers in accordance with section 100-1530, permanent signs; location, provided said signs are of compatible scale and architectural design.

D. Every sign shall be appropriately scaled and proportioned in its visual relationship to buildings and surroundings.

E. Every sign shall be designed as an integral architectural element of the building and site to which it principally relates.

F. The colors, materials, and lighting of every sign shall be harmonious with the building and site to which it principally relates.

G. All signs not on a building face shall be accompanied by landscaping in scale to the size of the sign.

(Ord. No. 2015-09, § 2(Exh. A), 9-21-2015; Ord. No. 2018-019, § 3(Exh. B) 4-3-2019)

Sec. 75-170. - Utilities, mechanical, and telecommunications equipment.

All development shall:

A. Install all permanent utility lines underground.

B. Locate transformers away from major pedestrian routes and outdoor seating areas.

C. Buffer all transformers, telecommunication devices, mechanical equipment, switching boxes and other utility cabinets from street and pedestrian areas with landscaping and/or architectural screens. Meters shall not be exposed where visible to the public.

D. Utility locations shall not interfere with the viability of tree maturity or with stormwater treatment.

E. Unless specifically required by FPL, all units shall be designed to assure that electric meters are not placed on front yard façades. If directed by FPL, meters mounted on front facades shall be completely screened, and said screening shall be depicted in detail on the plans. In all other instances, electric meters shall be mounted on side or rear facades.

F. All nonresidential buildings and multi-family buildings shall cluster utility meters in readily accessible locations.

(Ord. No. 2015-09, § 2(Exh. A), 9-21-2015; Ord. No. 2018-019, § 3(Exh. B) 4-3-2019)

Sec. 75-180. - Storage, loading, and service areas.

All development shall:

A. Locate loading docks, storage and service areas away from any public street in areas of low visibility such as the rear of buildings.

B. Screen such areas from public view with walls and/or landscaping. Such screens shall be of a color and material matching or compatible with the dominant colors and materials found on the facades of the primary building.

C. Combine loading docks and service areas between multiple sites.

D. Clearly identify service entrances with signs to discourage the use of main entrances for deliveries.

(Ord. No. 2015-09, § 2(Exh. A), 9-21-2015; Ord. No. 2018-019, § 3(Exh. B) 4-3-2019)

Sec. 75-190. - Trash/recycling facilities.

A. Trash enclosures and containers shall be sized to accommodate the volume of refuse that is generated. Development design should also take advantage of opportunities to centralize enclosures where there are multiple buildings or users.

B. Trash facilities shall be enclosed and landscaped per the requirements of section 95-1525, screening and special landscaping requirements. Enclosure materials and colors shall be consistent with and complementary to the building materials and finishes.

C. Trash enclosures shall be located in low-visibility areas. Permanent trash enclosures shall be located no closer to the front property line than the primary

building line.

D. Trash enclosures shall be located so not to obstruct drive aisles, pedestrian walkways, and access to parking spaces. They must be located so as to be conveniently accessed by refuse haulers and not infringe on any of the areas noted immediately above.

E. All multi-family units shall be designed to ensure adequate storage or screening for garbage and refuse containers so that cans and storage areas are not visible from the adjacent street during non-pick-up times.

(Ord. No. 2015-09, § 2(Exh. A), 9-21-2015; Ord. No. 2018-019, § 3(Exh. B) 4-3-2019)

Sec. 75-200. - Maintenance factors.

A. Continued good appearance depends upon the extent and quality of maintenance. The choice of materials and their use, together with the types of finishes and other protective measures, must be conducive to easy maintenance and upkeep.

B. Materials and finishes shall be selected for their durability and wear as well as for their beauty. Proper measures and devices shall be incorporated for protection against the elements, neglect, damage and abuse.

C. Provision for washing and cleaning of building and structures, and control of dirt and refuse, shall be included in the design. Configurations that tend to catch and accumulate debris, leaves, trash, dirt, and rubbish shall be avoided.

(Ord. No. 2015-09, § 2(Exh. A), 9-21-2015; Ord. No. 2018-019, § 3(Exh. B) 4-3-2019)

Sec. 75-210. - Mixed-use supplementary design standards.

For the purpose of these guidelines, mixed-use projects are defined as developments which combine retail and service commercial, office, and/or residential uses or structures on a single lot, or as components of a single development. The uses may be combined, either vertically within the same structure or spread horizontally on the site in different areas and structures. The primary design issue related to mixed-use projects is the need to successfully balance the requirements of residential uses, such as the need for privacy and security, with the needs of commercial uses for access, visibility, parking, loading, and possibly extended hours of operation. The following standards are intended to address some of the unique issues associated with mixed-use developments.

A. When residential uses are combined with commercial uses, care shall be taken to ensure that adjacent uses will be compatible. For example, apartments above professional offices are a good fit, while apartments above a fast food restaurant will create conflict.

B. Vertical integration of uses is preferred. Under those circumstances, development of the ground floor level of a building should encourage pedestrian activity. However, a horizontal separation of uses (e.g., commercial or office development along the front of a property and residential development to the rear) may be appropriate or desirable depending on the size of the site, access, and surrounding property.

C. When mixing uses in a horizontal or side-by-side fashion, the backs of uses are often a good location to bring uses together and make a transition with alley access serving residential on one (1) side and commercial on the other.

D. Consider placement of commercial equipment and activity areas, such as refrigeration equipment, air handlers, etc., in terms of noise impact on residential uses.

E. Separate site access drives and parking facilities shall be provided for residential and nonresidential use.

F. When residential and nonresidential uses are provided in the same structure, separate entrances shall be provided for each use.

G. Site access drives should incorporate distinctive architectural elements and landscape features to differentiate access to commercial parking areas from residential areas.

H. Loading areas and refuse storage facilities should be located as far as possible from residential units and should be completely screened from view of adjacent residential portions of the project. The location and design of trash enclosures should account for potential nuisances and odors.

I. Open space intended exclusively for residential use should not be accessible from commercial areas. Open space and courtyards in commercial areas should be accessible to residential occupants, employees, and visitors.

J. Public spaces should be designed to encourage the attention and presence to people at all hours of the day and night.

K. The architectural style and use of materials should be consistent throughout the entire mixed-use project. Differences in materials and/or architectural details should only occur on a structure where the intent is to differentiate between the residential scale and character of the structure and the nonresidential scale and character.

(Ord. No. 2015-09, § 2(Exh. A), 9-21-2015; Ord. No. 2018-019, § 3(Exh. B) 4-3-2019)

Sec. 75-220. - Determination of compliance.

The building official shall require that all building codes are complied with and shall not issue a building permit for development subject to this article, unless the CAB has certified compliance with this article. As part of its review to assure compliance with this article, the CAB may approve, approve with conditions, or disapprove an application for CAB in any matter subject to its jurisdiction, after considering whether the application complies with the following criteria:

A. The plan for the proposed structure or project is in conformity with good taste, good design, and in general contributes to the image of the city as a place of pa beauty, spaciousness, harmony, taste, fitness, broad vistas and high quality, and the factors and standards set forth in this article.

B. The proposed structure or project is not, in its exterior design and appearance, of inferior quality such as to cause the nature of the local environment or evolving environment to materially depreciate in appearance and value.

C. The proposed structure or project is in conformity with standards of this code insofar as the location and appearance of the buildings and structures are involved.

D. The proposed structure or project is in harmony with the proposed developments in the general area, with the comprehensive plan for the city, and with the criteria set forth herein. Conditions may be applied when the proposed building or structure does not comply with the above criteria, and shall be such as to bring the structure or project into conformity. Political signs (as defined in the sign code) are exempt from application of this article.

(Ord. No. 2015-09, § 2(Exh. A), 9-21-2015; Ord. No. 2018-019, § 3(Exh. B) 4-3-2019)

Sec. 75-230. - Submittal requirements—Building construction, exterior remodeling, and additions.

CAB applications for buildings and structures other than signs shall include the following information:

A. *Site plan.* A site plan is required containing the following information:

1. Scale and north arrow;
2. Address of site;
3. All property and street pavement lines;
4. Existing and proposed contours;
5. Gross area of tract stated in square feet;
6. Proposed ingress and egress to the site, including on-site parking areas, parking stalls, and adjacent streets. Delineate traffic flow with directional arrows and indicate the location of direction signs or other motorist's aids (if any);
7. If parking is involved, show calculations for determining the required number of off-street parking spaces as required by the city zoning code. Give the number of spaces actually proposed and the maximum number of employees, customers, and office vehicles that would be at the facility at one (1) time;
8. On-site pedestrian circulation system and connections to adjacent properties/uses. Any use of special materials (e.g., pavers) or markings to delineate this system should be clearly indicated;
9. Existing landscaping that will be retained and proposed landscaping shall be differentiated and shown on the plan. The type, size, number, and spacing of all plantings must be illustrated;
10. Location of all isolated trees having a diameter of six (6) inches or more. (Tree masses may be shown with a diagrammatic outline and a written inventory of individual trees included);
11. Calculations for determining the required number of trees to be placed within the proposed parking area must be shown, as well as the designation of required buffer screens (if any) between the parking area and adjacent property;
12. Location of all existing (to remain) and proposed buildings on the site and all buildings within fifty (50) feet of the site's boundaries;
13. Location of all pedestrian amenity areas along with details depicting associated specialty pavers, landscaping, lighting, furnishings, fountains, gazebos, artwork and other similar features;
14. Location of and screening details for all mechanical equipment, trash facilities, and storage/loading areas.

B. *Elevations.* Complete color elevations of all proposed construction and related elevations of existing structures, if any, are required containing the following information:

1. Scale.
2. Depiction of the kind, color, and texture of all primary materials to be used, including paint names and numbers.
3. Clear depiction of all major/special architectural design features and treatments.
4. Lighting fixtures and standards.
5. Signs and/or sign band areas.
6. Refer to subsection E., model homes for additional requirements.

C. *Rendering.* A perspective/multi-dimensional drawing of the entire site shall also be provided. Provision of computer animated "tour" of the site, while not required, is desirable. Landscaping shall be accurately reflected in rendering images.

D. *Material samples.* Samples are required for all major materials.

E. *Model homes.* Communities utilizing standardized model homes, rather than custom built homes, shall be required to submit the following supplemental information for all proposed models. These homes shall be subject to the anti-monotony standards included herein.

1. 3D colored renderings of all models.
2. Lot fit study for all standard lot and model combinations. The study shall include the proposed structural siting, landscaping, driveway, mechanical equipment, and any other proposed built features.
3. Colors, materials, and images of front doors, garage doors, roofs, wall-mounted lights, pavers, and other significant architectural features.

F. *Other.* Any and all other information required on the CAB application checklist, and any other information needed for the city to be able to determine compliance with the provisions of this article, as determined by the planning and zoning director.

(Ord. No. 2015-09, § 2(Exh. A), 9-21-2015; Ord. No. 2018-019, § 3(Exh. B) 4-3-2019)

Sec. 75-240. - Submittal requirements—Freestanding ground signs.

The following are the submittal requirements for freestanding ground signs:

A. *Site plan.* A site plan is required containing the following information:
1. Scale and north arrow;
2. Address of site;
3. All property and street pavement lines;
4. Proposed ingress and egress to the site;
5. Location of proposed sign on the site. Show required setbacks for sign or signs from property lines;
6. Location of proposed landscaping around sign and any existing landscaping in immediate vicinity;
7. Location of all buildings on the site.

B. *Elevation.* An elevation drawing is required of each face of the proposed sign showing the following information:
1. All specifications including size of letters and graphics.
2. Description and depiction of sign and frame materials and colors, including supports. The applicant shall demonstrate that the colors and materials proposed are compatible with the buildings on the site.
3. Planter box details, if provided; i.e., construction of box, materials, plant types, sizes, number, and spacing.

C. *Other.* Any and all other information required on the application submittal checklist.

(Ord. No. 2015-09, § 2(Exh. A), 9-21-2015; Ord. No. 2018-019, § 3(Exh. B) 4-3-2019)

Sec. 75-250. - Submittal requirements—Wall signs.

The following are the submittal requirements for wall signs:

A. *Sign drawing.* A scale drawing of each face of the proposed wall sign is required showing the following information:
1. All size specifications, including the size of letters and graphics;
2. Description of sign and frame materials and colors;
3. The letter font/style to be used;
4. Wall anchorage details (note: anchorage must be interior to the sign or camouflaged);
5. Method of illumination and lighting specifications.

B. *Elevation.* An elevation drawn to scale of the entire wall of the building to which the sign is to be fixed, correctly locating the sign and any existing signs located on directly adjacent buildings/storefronts.

C. *Other.* Any and all other information required on the application submittal checklist.

(Ord. No. 2015-09, § 2(Exh. A), 9-21-2015; Ord. No. 2018-019, § 3(Exh. B) 4-3-2019)

Sec. 75-260. - Submittal requirements—Lighting.

The following are the submittal requirements for lighting:

A. *Lighting plan.* A lighting plan is required containing the following information:
1. Scale and north arrow;
2. Address of site;
3. All property and street pavement lines;
4. Proposed ingress and egress to the site, including on-site parking areas, parking stalls, and adjacent streets;
5. Existing landscaping that will be retained and proposed landscaping;

6. Location of all existing (to remain) and proposed buildings on the site;
7. Location of all existing (to remain) and proposed lighting standards;
8. Illumination levels generated by the proposed lighting per the requirements of section 4-53.

B. *Lighting standard drawing.* A scaled drawing of the proposed lighting standards is required and should contain the following information:
1. All size/height specifications;
2. Type of lighting fixtures;
3. Information on lighting intensity;
4. Materials; colors;
5. Ground or wall anchorage details.

C. *Other.* Any and all other information required on the application submittal checklist.

(Ord. No. 2015-09, § 2(Exh. A), 9-21-2015; Ord. No. 2018-019, § 3(Exh. B) 4-3-2019)

Sec. 75-270. - Additional residential development design standards (anti-monotony review).

A. *Purpose and intent.* In order to encourage an attractive and interesting streetscape, residential developments shall employ fundamental design principles in order to provide significant differentiation among adjacent homes. Many elements make up the elevation of a home, including, but not limited to, architectural style, architectural accent elements, massing, setback, building elevation, color scheme, material and texture, landscape, and hardscape. Combining all or some of these elements in a variety of ways is necessary to provide the required diversity in architectural style between residential units within close proximity.

B. *Anti-monotony requirements.* To ensure this diversity, all residential development within a planned unit/residential development or a platted residential subdivision with more than two (2) lots shall be designed and maintained in accordance with the following requirements:
1. The city commission appoints the planning and zoning director as the authority to review all applications for building permits that are subject to compliance with this section. The decision of the director shall be appealable to the city commission within ten (10) days of the date it is rendered. Appeals shall be in writing on a form provided by the planning and zoning director or his/her designee.
2. Each detached single-family home shall be built and maintained according to the following requirements: No building permit shall be issued for a single-family detached residence subject to this section without said approval.
a. Homes with identical floor plans, including mirrored floor plans, shall not be permitted directly adjacent to each other. Additionally, homes that are adjacent, diagonal, or across from each other shall have substantially different elevation designs.
b. Houses with substantially similar primary body paint color shall have a minimum of three (3) lots of separation between them. This shall apply to both sides of the street.
c. Houses directly adjacent, across the street, or diagonal to each other, shall have varied garage doors and front doors.
3. Each multi-family, townhouse, or villa unit shall be built and maintained according to the following requirements:
a. Contiguous unit facades shall be substantially different. Facades that are the same or substantially similar shall be separated by a minimum of two (2) units.
b. Structures with more than three (3) attached units shall provide a variation of unit width so that no more than two (2) contiguous units are the same width. The minimum width variation shall be five feet.
c. Contiguous units shall have varied front door designs.
4. To foster landscape variation in communities utilizing model homes, as opposed to custom individual homes, anti-monotony shall also apply to landscape palettes on single-family lots. Within each master planned community, the following landscape standards shall apply to single-family lots:
a. No more than three (3) adjacent lots shall utilize the same palm tree species.
b. No more than three (3) adjacent lots shall utilize the same understory planting palette, including shrubs and groundcover.
c. No more than three (3) adjacent lots shall utilize the same accent plantings.
5. At the time of permitting, it shall be the burden of the applicant to demonstrate compliance with the established anti-monotony standards. The applicant shall provide plans and or documentation demonstrating compliance.

Editor's note— Prior to September 21, 2015, only paint color, roof design and color, or elevation had to be different, and homes located diagonally across the street.

6. The planning and zoning director shall establish appropriate application procedures to permit adequate review as required herein or appeals as provided for herein and shall establish a separate fee to assure that the city is reimbursed for the cost of the review.

(Ord. No. 2015-09, § 2(Exh. A), 9-21-2015; Ord. No. 2018-019, § 3(Exh. B) 4-3-2019)

ARTICLE 80. - HISTORIC PRESERVATION

Sec. 80-10. - Purpose.

The purpose of this article is to promote the cultural, educational, economic and general welfare of the public through the preservation and protection of the historic or architecturally worthy buildings, structures, sites and artifacts which impart a distinct aspect to the City of Parkland and which serve as visible reminders of the history and cultural heritage of the city. The city commission shall sit as the historic preservation board.

(Ord. No. 2015-09, § 2(Exh. A), 9-21-2015)

Sec. 80-20. - Criteria and guidelines for determination of historic significance.

The following criteria are hereby adopted as general guidelines by the City of Parkland to determine if a building, structure or site is deemed historically significant: districts, sites, buildings, structures and objects of national, state and local importance are of historic significance if they possess integrity of location, design, setting, materials, workmanship, feeling and association:

A. That are associated with events that have made a significant contribution to the broad patterns of the city's history;
B. That are associated with the lives of persons significant in history;
C. That embody the distinctive characteristics of a type, period or method of construction, or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose component may lack individual distinction;
D. That have yielded, or may be likely to yield, information important in history.

(Ord. No. 2015-09, § 2(Exh. A), 9-21-2015)

Sec. 80-30. - Historic preservation board.

A. *Authority to recommend designations.* For the purpose of effecting and furthering the protection, preservation and enhancement of historic landmarks, historic street names, and historic corridors, the board shall have the following powers:
    1. The designation of a structure or site as an historic landmark;
    2. The nomination to the state historic preservation office, for inclusion in the National Register of Historic Places, a structure that has previously been designated by the city commission an historic landmark; or
    3. The co-designation of a street based upon documented historic precedent.
B. *Jurisdiction.* The board shall be concerned with those elements of change, rehabilitation and/or preservation that affect the quality of the city. No individuals or organizations shall designate or cause to designate structures or sites within the city without pertinent data being submitted to and approved by the historic preservation board and the city commission. The board shall not consider detailed design, interior arrangements or building features not subject to public view, nor shall they make any requirements except for the purpose of preventing development or demolition obviously incongruous to the surroundings. The board shall, on behalf of the city, be responsible for the receipt and custody of donations of property and artifacts.
C. *Meetings.* The historic preservation board shall meet at such time as it deems appropriate to carry out the responsibilities set forth herein. A quorum shall consist of three (3) members of the board and at least three (3) members must vote in favor of an action to be official. The board shall adopt rules for the transaction of its business and consideration of applications not inconsistent herewith. All the meetings of the board shall be open to the public, and a public record shall be kept of the board's resolutions, proceedings and actions.

(Ord. No. 2015-09, § 2(Exh. A), 9-21-2015)

Sec. 80-40. - Classification procedure.

A. *Inventory.* The board will be responsible for a comprehensive and continuing survey of buildings, structures and sites of historic significance in the city. The inventory created by the survey shall include as much information and documentation on the sites as possible.
B. *Nomination for inclusion in inventory.* Such nominations shall be reviewed by the board and if they meet the general criteria listed in this article.
C. *Nomination initiated by property owner/owners.* Any property owner/owners who feel their property has historic significance may submit the property and available documentation to the board for consideration.
D. *Nomination initiated by the board.* A letter shall be sent to the owner or owners of the property by the board stating that the site has been selected for consideration as a historic landmark, with a full explanation of the reasons for its nomination, with effect of the proposed classification and the process by which such classification is accomplished. The owner or owners will be invited to appear informally before the historic preservation board to discuss the matter. Notification of this meeting shall be sent to all involved property owners by certified mail at least fourteen (14) days prior to the meeting.
E. *Designation of historic landmarks.* The historic preservation board shall determine the properties or sites to be designated as historic landmarks. If the board makes such a determination and the owner or owners of such property or site agree, the board shall designate the property or site as a historic landmark.

Owners who do not agree shall file a notarized statement with the city manager certifying that the party is the sole or partial owner of the private property being considered by the board and objects to the designation as a historic landmark.

F. *Action following board approval.* After the board has approved the designation, and with the consent of the property owner or owners, a covenant to run with the land will be duly recorded by the city in the Broward County, Florida Public Records. The board shall issue a certificate of recognition to the property owner or owners describing the historic landmark and describing its significance.

(Ord. No. 2015-09, § 2(Exh. A), 9-21-2015)

Sec. 80-50. - Effect of historic landmark designation.

No structure that is designated by the board as a historic landmark structure may be demolished, moved or altered in its exterior appearance by addition, reconstruction, alteration or maintenance, or by removal of or destruction of trees located on the site until an application for a certificate of appropriateness has been submitted to the historic preservation board and has been approved by that board, nor shall any property that is designated by the city commission as a historic landmark site be physically altered until an application for a certificate of appropriateness has been submitted to the historic preservation board and has been approved by that board. Any property designated as a historic landmark prior to the effective date of the ordinance from which this chapter is derived shall henceforth be deemed to have been designated a historic landmark structure.

(Ord. No. 2015-09, § 2(Exh. A), 9-21-2015)

Sec. 80-60. - Application procedure for certificate of appropriateness.

The following are the application procedures for a certificate of appropriateness to alter or demolish a historic landmark or building.

A. *Preapplication review.* Prior to the preparation of working drawings and specifications or calling for proposals or bids from contractors, owners or agents may prepare preliminary scale drawings and outline specifications for review and informal discussion with the historic preservation board. The purpose of this review shall be to acquaint the contractor, owner or agent with standards of appropriateness of design that are required in the proposed change in a historic landmark or building.

B. *Filing applications.* Any person desiring a certificate of appropriateness to be issued by the historic preservation board, as required hereby, shall file an application with the clerk's office in writing on a form furnished by that department. When combined with the building permit application, the submitted paperwork shall describe the property address on which the proposed work is to be done; shall show the use or occupancy of the building; shall be accompanied by plans and specifications as required; shall state the value of the proposed work; shall give such other information as reasonably may be required by the building department and/or the zoning department; and shall be signed by the applicant or any authorized agent, who may be required to submit evidence to indicate such authority.

C. *Action on applications.* The city clerk, or the clerk's designee, shall transmit the application for a certificate of appropriateness together with the supporting information and material to the historic preservation board for action. In determining whether or not an application for a certificate of appropriateness should be granted, granted with conditions, or denied, the board shall consider the following criteria:

1. The extent to which the applicant's proposal is in conformance with the Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings;
2. The extent that the applicant's proposal maintains the historic qualities of the historic landmark structure or the historic landmark site; and
3. Safety of the occupants.

If the board approves the application, a certificate of appropriateness shall be issued. If the certificate of appropriateness is issued, the application shall be processed in the same manner as applications for building or demolition permits. There shall be a delay of ten (10) working days between the board granting of a certificate of appropriateness and the commencement of any work on the site in order to provide time for an appeal in accordance with this ordinance. If the board disapproves the application, a certificate of appropriateness shall not be issued.

D. *Demolition of buildings on landmark inventory.*

1. For any building that is approved to be demolished, before a demolition permit is issued there will be a delay of one hundred eighty (180) days to permit the notice action described in this subsection.
2. A notice shall be posted by the city on the premises of the building or structure proposed for demolition in a location clearly visible from the street. This notice must remain posted during the notification period and it shall be unlawful to remove same, other than by the city. In addition, the city shall publish a legal notice in a newspaper of general circulation, ten (10) days following the approval of the certificate of appropriateness authorizing demolition of the historically designated property. The purpose of this procedure is to further the purposes of this chapter by preserving significant buildings which are important to the education, culture, tradition, aesthetics and economic values of the city, and to afford the city, interested parties, historical societies or organizations the opportunity to acquire or to arrange for the preservation of such structures and sites.

(Ord. No. 2015-09, § 2(Exh. A), 9-21-2015)

Sec. 80-70. - Maintenance of designated properties.

Nothing in this article shall be construed to prevent the cleaning, ordinary repairs or maintenance of any exterior elements of any building or structure which does not involve a change of design, appearance or material, and which does not require a building permit, nor shall anything is this chapter be construed to prevent the addition, removal or alteration of landscaping, driveways, walkways, pools, fences or other site improvements, except: i) with regard to any designated historic landmark site; or ii) with regard to any designated historic structure when such site improvements are important in defining the overall historic character of the designated historic landmark structure.

(Ord. No. 2015-09, § 2(Exh. A), 9-21-2015)

Sec. 80-80. - Archaeologically significant resources.

A. *Purpose and intent.* A number of archaeologically significant areas have been identified within the city limits. These areas have not been mapped by the city, but have been generally known by city residents and located during field surveys by representatives of the Broward County Historical Commission, State of Florida Division of Historical Resources and other agencies.
B. *Archaeological survey required.* If archaeologically significant areas are present on a site, then the exact location and extent of the archaeologically significant site shall be surveyed by a professional archeologist and coordinated with the Broward County Historical Commission and State of Florida Division of Historical Resources.

(Ord. No. 2015-09, § 2(Exh. A), 9-21-2015)

Sec. 80-90. - Archaeologically significant resources.

In order to preserve these important historical resources, the criteria in this section shall apply to the development of parcels containing archaeologically significant areas:

A. In-situ or natural state preservation of a site is the preferred method of avoiding damage to an archeological resource.
B. Preserving the site is more important than preserving the artifacts alone because the relationship of the artifacts to each other in the site provides valuable information that can be lost when artifacts are removed. Further, preserving the site keeps it available for more sophisticated future research techniques.
C. When a residential parcel contains an archaeologically significant site, any development on that site shall be located and designed in such a way that preserves the archaeologically significant areas as common open space.
D. When a nonresidential parcel contains an archaeologically significant site, construction shall avoid damage to the site by planning construction to avoid the site. If development planning constraints preclude avoiding the site altogether, then easily removed facilities such as parking lots, tennis courts, or other similar nonpermanent construction may be allowed above the site provided there is "capping" or covering of the archeological site first with a layer of soil to protect the site. Capping may be used where:
    1. The soils to be covered will not suffer serious compaction;
    2. The covering materials are not chemically active;
    3. The site is one in which the natural processes of deterioration have been slowed; and
    4. The site has been recorded.
E. A buffer may be required between the development and the archeological site. The width of the buffer shall be determined on a case-by-case basis by the professional archeologist after consultation with representatives of the State of Florida Division of Historical Resources.
F. The archeological site, if preserved in situ, shall be protected from construction activity by the use of barriers.
G. If deemed appropriate after consultation with representatives of the State of Florida Division of Historical Resources, the site may be mitigated through data recovery.
H. If, during the construction phase of a development, an archeological find is made on a parcel not previously identified as an archaeologically significant site, the developer shall cease work within twenty (20) feet in all directions of the find and within five (5) working days shall notify by writing the Department and Representatives of the State of Florida. The developer shall engage a professional archeologist to have an archeological and historical survey prepared. Within ten (10) working days, the archeologist shall determine, after consultation with the State of Florida Division of Historical Resources, whether or not the find is significant and, if so, the actual dimensions of the site. A significant archeological find is one which:
    1. Is associated with an event or person of recognized significance in Florida or American history or recognized scientific importance in prehistory;
    2. Can provide information which is both of demonstrable public interest and useful in addressing scientifically consequential and reasonable archeological research questions;
    3. Has a special or particular quality such as oldest, best example, largest, or last surviving example of its kind;
    4. Possesses substantial stratigraphic integrity; or
    5. Involves important research questions that historical research has shown can be answered only with archeological methods.

I. If the find is not determined to be significant the developer may resume construction without amendment to the development plan.

J. If the find is determined to be significant, the developer shall have the option of revising the development plan so as to comply with this section or mitigating through data recovery.

K. If a determination is not made within the ten-working-day time period, then the find shall not be considered significant and the developer may resume construction without amendment to the development plan.

(Ord. No. 2015-09, § 2(Exh. A), 9-21-2015)

ARTICLE 85. - AFFORDABLE HOUSING SECTION

Sec. 85-10. - Affordable housing incentive program.

A. *Purpose and intent.* The purpose of this section is to provide for and maintain a variety of housing opportunities for present and future residents of the City of Parkland. The provisions of this section shall supersede any conflicting provisions of this land development code. The section is intended to comply with F.S. ch. 163 generally and the Broward County Land Use Plan, Objective 1.07.00 and supporting policies and the City of Parkland Land Use Element.

B. *Definitions.*

1. *Affordable housing* means an owner-occupied or rental dwelling unit that has a mortgage or rental payment, including utilities, not exceeding thirty (30) percent of the gross income of households at or below one hundred twenty (120) percent of the area median income, as adjusted for family size.
2. *Workforce housing* means an owner-occupied or rental dwelling unit that has a mortgage or rental payment, including utilities, not exceeding twenty (20) percent of the annual gross income of households at or below one hundred forty (140) percent of the area median income, as adjusted for family size.

C. *Affordable housing incentives.* To meet the needs of present and future Parkland residents for affordable housing, a variety of incentives are provided. These incentives are listed below, along with the percentage of the units in the entire development which must meet the standards of affordable housing as defined in this land development code. This section of the code shall supersede when in conflict with other articles and sections of the land development code.

1. *Permit and review fee refunds.* All developments committing to fifteen (15) percent affordable housing units shall be eligible for refund of fifty (50) percent of all land development review and building permit fees. Refunding of permit and review shall be funded from a special line item in the budget for said matters or if no special line item exists, from the general fund. Developments will be eligible to request a refund of permit and review fees only for the units designated as affordable, contingent upon the availability of funds. This does not include impact fees, and park and multipurpose trail dedication requirements. Applicants seeking fee refunds shall submit an application on forms provided by the city.
2. *Affordability agreement.* The recipient of any affordable housing incentive shall enter into a deed restriction affordability agreement with the county. The affordability agreement shall provide the number and designation level of affordable units, and period of time as affordable, for the development to seek fee refunds according to the terms and conditions of the agreement, consistent with the written policies and procedures established by the city commission.
3. *Affordable housing density bonus.*
   a. Developments located within any residential or commercial zoning district or future land use category with a density of six (6) units per acre or greater, and with a minimum fifteen (15) percent of units designated as affordable housing, are eligible to apply for a fifteen (15) percent density bonus consistent with the criteria in Broward County Land Use Plan, provided the city has available reserve or flexibility units under the rules and regulations set forth in the Broward County Land Use Plan. To the extent permitted by the Broward County Land Use Plan, an application for a density bonus shall not require a land use plan amendment or rezoning and shall be submitted and evaluated as part of a site plan or plat application. In evaluating the density bonus request, the city shall consider the density and intensity of surrounding land uses and compatibility with neighboring uses in determining the maximum density to allow. A density bonus may be less than the highest density bonus amount permitted. Density bonuses may be considered only within the development site creating the bonus units.
   b. In addition to the criteria set forth the application of the density bonus shall require consideration of the necessary infrastructure to support the increase in density.
   c. Density bonus agreement. Any developer obtaining a density bonus shall enter into a land use and deed restriction agreement with the city. The agreement shall provide for the number of units which can be built subject to a density bonus and to ensure that the required percentage of units are maintained as affordable units and/or special needs units, for a period of time consistent with the written policies and procedures established by Broward County.

D. *Workforce housing incentives.* To meet the needs of county residents for workforce housing as defined in these land development regulations, the following incentives are provided.

1. *Density bonus.* Developments located within any residential or commercial zoning or future land use category, with a density of six (6) units per acre or greater, and with at least fifteen (15) percent of units designated as workforce housing are eligible to apply for a fifteen-percent density bonus, consistent with the criteria in the Broward County Land Use Plan. An application for a density bonus, that does not otherwise require a rezoning or amendment to the

comprehensive plan by the Broward County Land Use Plan shall be submitted and evaluated in the same manner as a site plan. In evaluating the density bonus request, the city shall consider the density and intensity of surrounding land uses and compatibility with neighboring uses in determining the maximum density to allow. A density bonus may be less than the highest density bonus amount permitted. Density bonuses may be considered only within the development site creating the bonus units.

2. *Permit and review fee refunds.* All developments with workforce housing units shall be eligible for refunds of fifty (50) percent of all development review and building permit fees paid. This does not include impact fees, connection fees or similar fees. The refund shall be paid from a special line item in the budget established for said purposes or if no such fund is established, from the general fund.
3. *Workforce housing agreement.* The recipient of any workforce housing incentive shall enter into deed restriction agreement with the city. The agreement shall provide the number and designation level of workforce units, and period of time as workforce housing, and any other requirements in order to receive housing trust fund monies or units consistent with the written policies and procedures established by the city commission.

E. *Modification of development standards for affordable and workforce housing.*

1. *Incentives.* The following requirements or standards may be reduced by up to fifteen (15) percent for developments committing to a minimum of fifteen (15) percent affordable or workforce housing, provided they do not have negative impacts to the health, safety, and welfare of the residents of the City of Parkland as determined in the sole discretion of the city commission. These include:
   a. Front yard setbacks;
   b. Side yard setbacks (shall not be reduced to less than five (5) feet);
   c. Rear yard setbacks;
   d. Maximum lot coverage requirements.
2. *Affordability agreement.* The recipient of any affordable housing or workforce housing incentive or bonus shall enter into a deed restriction affordability agreement with the county and city. The affordability agreement shall provide the number and designation level of affordable or workforce housing units, and period of time as affordable, for the development to seek fee refunds according to the terms and conditions of the agreement, consistent with the written policies and procedures established by the city commission.

(Ord. No. 2015-09, § 2(Exh. A), 9-21-2015)

ARTICLE 90. - OFF-STREET PARKING AND LOADING

DIVISION 5. - OFF-STREET PARKING REQUIREMENTS

Sec. 90-510. - Off-street parking required.

A. Every building, use or structure instituted or erected after the effective date of the ordinance from which this chapter is derived shall be provided with off-street parking facilities in accordance with the provisions of this article for the use of occupants, employees, visitors or patrons to such building, use or structure.
B. The required off-street parking facilities shall be maintained and continued as an accessory use as long as the main use is continued.
C. Where a building existed at the effective date of this chapter, such building may be modernized, altered or repaired, without providing additional off-street parking facilities provided that there is no increase in floor area or capacity.
D. Where a building or use which existed at the effective date of this chapter is enlarged in floor area, volume, capacity or space occupied, the off-street parking facilities as specified herein shall be provided for the additional floor area, volume, capacity or space so created or occupied.
E. Where a building or use is changed in use or occupancy, additional off-street parking facilities shall be provided to the extent that the new use or occupancy exceeds the number of off-street parking spaces which would have been required for the previous use or occupancy had the regulations of this article been applicable thereto. For the purpose of this section, a change of use or occupancy shall mean a change from one (1) category of use or occupancy to another such category under this article.
F. It shall be unlawful for any owner or operator of any building, structure or use affected by this article to discontinue, change or dispense with or to cause the discontinuance or reduction of the required parking facilities apart from the discontinuance, sale or transfer of such structure or use without establishing alternative vehicle parking facilities which meet the requirements of this article. It shall be unlawful for any person, firm or corporation to utilize such building, structure or use without providing the off-street parking facilities to meet the requirements of and be in compliance with this article.

(Ord. No. 2015-09, § 2(Exh. A), 9-21-2015)

Sec. 90-520. - Location, character and size.

A. *Location.* The off-street parking facilities required by this article shall be located on the same plot or parcel of land which they are intended to serve; provided, however, when practical difficulties relative to the size, shape or location of the plot or parcel prohibit the establishment of the required parking facilities, the city commission may authorize the location of the required parking facilities within five hundred (500) feet of the premises which they are to serve, measured as

the shortest straight-line distance between the plot upon which the off-site parking is located and the plot upon which the parking will serve. In the event of such authorization, the owner of said parking area shall enter into written agreement with the city whereby the land providing the parking area shall never be sold or disposed of except in conjunction with the sale of the building or structure the parking area served so long as these parking facilities are required or so long as permitted by law, whichever first occurs; and said agreement shall be recorded at the expense of the owner of the parking area and shall run with the land to bind the heirs, successors and assigns of said owner. The written agreement may be voided by the city commission if other provisions are made for off-street parking facilities pursuant to this article.

B. *Parking stall dimensions.*
   1. Each parking space required and/or provided within any nonresidential district shall not be less than ten (10) feet in width and twenty (20) feet in length.
   2. Each parking space required and/or provided within any residential district shall not be less than nine (9) feet in width and twenty (20) feet in length. This standard shall also apply for residential clubhouse parking.
   3. Parallel parking spaces shall be ten (10) feet in width and twenty-five (25) feet in length.
   4. Supplemental parking spaces within any residential district shall be nine (9) feet in width and twenty (20) feet in length and allowed in the driveway area and shall be located interior to the property line.
   5. Accessible parking spaces for the disabled shall be twelve (12) feet in width and twenty (20) feet in length, and shall meet the minimum dimension and design requirements of the Florida Building Code, latest edition.

C. *Access to parking stall.* Each parking space shall be accessible from a street or alley or from an adequate aisle or driveway leading to a street or alley.

D. *Backing out prohibited.* In no instance shall vehicles be allowed to back into a public right-of-way or otherwise enter or leave the parking area except at approved entrance and exit points, except that single-family and two-family dwellings may provide a driveway that directly exits onto a public right-of-way with a width of fifty (50) feet or less.

E. *Site plan labeling.* The required off-street parking facilities, except driveways functioning as off-street parking for individual single-family, two-family and townhouse dwelling units, shall be identified on site development plans as to purpose and as to location.

F. *Pavement surface.* Off-street parking facilities, including access aisles and driveways, shall be surfaced with a hard, dustless material and maintained in a smooth, well-graded condition except as provided in subsection G. of this section. Parking stalls which abut landscaped areas, sidewalks, structures or property lines shall be designed with bumper guards, wheel stops or continuous curbing.

G. *Alternative surface.* The use of grass parking surfaces shall be permitted at the discretion of the city commission where parking is on an irregular, intermittent or part-time basis. Such grass parking surfaces shall be approved by the city engineer.
   1. Based upon frequency, extent and volume of use expected, it may be required by the city commission that aisles, accessways and drives be surfaced with a hard-surface material. All requirements for landscaping vehicular use areas shall be met.
   2. In instances where there is also a limited amount of regular parking use associated with a structure, such as parking for a staff, maintenance crew, security force, etc., an amount of hard-surface parking capable of accommodating such regular use shall be required. All landscaping requirements for vehicular use areas shall be met in such parking areas.
   3. Such grass parking surfaces are primarily intended to be allowed for parking associated with places of public assembly, theaters, private clubs, fraternity buildings, houses of worship, stadiums, racetracks, fairgrounds, schools, mortuaries and similar uses.

H. *Maintenance.* The owner and their agent, if any, shall be jointly and severally responsible for the maintenance of all vehicular use areas, whether standard hard-surfaced or grass. Grass parking areas shall be maintained so as to present a neat appearance and to ensure a viable and healthy grass surface. In the event of deterioration of a grass or hard-surface parking surface, the city may require the full restoration of the parking facility, including ingress and egress points, to city standards.

I. *Drainage.* All off-street parking facilities required by this article shall be drained so as not to cause any nuisances on adjacent or public property.

J. *Lighting.* Lighting shall be arranged and designed so as to prevent any glare and excessive light on adjacent property.

K. *Separation from buildings.* The main building line of all structures shall be a minimum of ten (10) feet from the closest point of all vehicular use areas for one- and two-story buildings, plus five (5) feet for each additional story up to a maximum distance of twenty-five (25) feet.
   1. Drive aisles shall be separated from property lines and from any portion of a principal building extending forward of the main building line by a distance of at least five (5) feet.
   2. When head-in parking spaces directly abut a sidewalk or other pedestrian area along the front facade of a non-residential building, the parking spaces shall be separated from the sidewalk or pedestrian area by decorative bollards or similar protective feature.

L. *Residential rear yard parking.* In no instance shall the parking of motor vehicles be permitted within the rear yard of residentially zoned property unless within parking areas delineated on an approved site plan.

M. *Landscaping.* All off-street parking facilities shall also comply with the landscaping requirements set forth in section 95-1520, wheelstops or continuous concrete curbing is required to protect landscaped areas from vehicular encroachment.

N. *Circulation, generally.* Such facilities shall be arranged for convenient access and safety of pedestrians and vehicles.

(Ord. No. 2015-09, § 2(Exh. A), 9-21-2015; Ord. No. 2019-001A, § 6(Exh. E), 9-25-2019)

Sec. 90-530. - Amount of off-street parking.

A. *Minimum requirements.* The off-street parking required by this article shall be provided and maintained on the basis of the following minimum requirements, which shall include the provision of disabled-accessible parking spaces as required in Section 208 of the Florida Accessibility Code For Building Construction, as may be amended from time to time:

1. Dwelling, single-family: Two (2) garage parking spaces required, and two (2) driveway parking spaces shall be required. For each ten (10) lots or fraction thereof with less than sixty-five (65) feet of street frontage, one (1) off-street guest parking space shall be provided in proximity to such lots, distributed in a manner that is convenient for guests.
2. Dwelling, two-family: Two (2) garage parking spaces per dwelling unit shall be required, and two (2) supplemental parking spaces shall be required.
3. Multifamily and townhouse:

Number of bedrooms in the dwelling unit:	Spaces per Dwelling Unit based upon number of bedrooms
1 bedroom	1.75
2 bedrooms	2.00
3 or more bedrooms which shall include a den/convertible room	3.00
An additional ten (10) percent of the overall total shall be provided on site for guest parking.	

4. Automobile sales—New or used automobile sales, boat sales or other outdoor sales: One (1) parking space for every two hundred (200) square feet of office and indoor showroom space, plus one (1) space for every additional one thousand (1,000) square feet of outdoor display area.
5. Auto repair establishments: One (1) parking space per every one hundred twenty-five (125) square feet of gross building floor area.
6. Auto service station with maintenance and repair services; automotive repair and service: Five (5) spaces per each service bay.
7. Business, professional, governmental offices: One (1) parking space for every two hundred fifty (250) square feet of gross floor area.
8. Bowling alleys: Five (5) parking spaces for each alley, plus additional spaces as required for other accessory uses on the same premises that are part of the bowling alley, at the rate of fifty (50) percent of the parking requirement for said other uses.
9. Childcare center, day nursery, kindergarten: One (1) parking space per every two hundred (200) square feet of gross floor area.
10. Commercial riding stable, boarding stable, livery stable and dude ranch: One (1) parking space per every two (2) stalls, plus one (1) parking space per owner or operator. Such spaces may be grassed or dirt.
11. Convenience stores: One (1) parking space per every one hundred (100) square feet of building floor area.
12. Golf courses: Four (4) parking spaces per each golf green, plus one (1) space for every two hundred fifty (250) square feet of gross floor area of clubhouse, plus additional spaces as required herein for other uses associated with the golf course.
13. Golf driving range, archery range and other type target ranges: One and one-half (1½) parking spaces per target position plus two (2) parking spaces required for employee parking, plus additional spaces as required in this section for accessary uses.
14. Miniature golf course: Two (2) parking spaces for each golf green, plus four (4) parking spaces required for employee parking, plus additional parking spaces as required for accessory uses.
15. Health club: One (1) parking space per every one hundred fifty (150) square feet of gross floor area occupied by guests, customers, patrons or members.
16. Hospitals: One (1) parking space per each patient bed, plus one (1) parking space for every one thousand (1,000) square feet of gross floor area.
17. Hotels, including clubs: Three (3) parking spaces for every four (4) sleeping rooms or three (3) spaces for every four (4) bathrooms, whichever is greater. If, in addition to sleeping rooms, there are other uses operated in connection with and/or as part of the hotel, additional off-street parking spaces shall be provided for such uses as would be required by this section if such uses were separate from the hotel to the extent of fifty (50) percent of the off-street parking specified in this article for retail stores, offices, service establishments, bars, restaurants, dining rooms, nightclubs, ballrooms, banquet halls, meeting rooms and auditoriums.
18. Lawn maintenance operations: One (1) parking space for each employee during peak work hours, plus two (2) additional parking spaces, plus one (1) space

for each truck and trailer used for lawn maintenance.

19. Manufacturing, industrial uses, research and testing, laboratories, bottling establishments, printing and engraving shops, warehouses, motor vehicle salesrooms and laundries: One (1) parking space for every five hundred (500) square feet of gross floor area of the building(s).
20. Medical, dental, chiropractic, veterinary offices and clinics: One (1) parking space for every one hundred fifty (150) square feet of gross floor area.
21. Museums and libraries: One (1) parking space for every two hundred fifty (250) square feet of gross floor area.
22. Nursing homes, and assisted living facilities: One (1) parking space for every two (2) beds for patients or residents, plus one (1) parking space for every two hundred (200) square feet of office and administration space.
23. Places of assembly, having fixed seats: One (1) parking space for every five (5) seats of capacity for rooms or areas to be used for group seating, or one (1) parking space for every thirty-five (35) square feet (sixty (60) square feet if within a shopping center of one hundred thousand (100,000) or more square feet) of net floor area devoted to assembly use, whichever is higher, plus one (1) space for every two hundred (200) square feet of additional floor area that is accessory to the assembly use or not otherwise subject to a separate parking requirement in this section.
24. Places of assembly, without fixed seats: One (1) parking space for every five (5) seats of capacity for rooms or areas to be used for group seating, or one (1) parking space for every thirty-five (35) square feet (sixty (60) square feet if within a shopping center of one hundred thousand (100,000) or more square feet) of net floor area devoted to assembly use, whichever is higher, plus one (1) space for every two hundred (200) square feet of additional floor area that is accessory to the assembly use or not otherwise subject to a separate parking requirements in this section.
25. Reserved.
26. Reserved.
27. Reserved.
28. Restaurants, bars, beer gardens, nightclubs: One (1) parking space for every thirty-five (35) square feet of customer service area; except that where a restaurant, bar, beer garden or nightclub is part of a shopping center with greater than one hundred thousand (100,000) square feet of gross floor area, one (1) parking space for every sixty (60) square feet of customer service area shall be required. In addition, one (1) parking space for every two (2) linear feet of bar space shall be provided.
29. Restaurants (fast-food): One (1) space for every forty (40) square feet of gross floor area with a minimum of twenty (20) spaces.
30. Retail stores, personal service establishments, household repairs or equipment shops, interior decoration shops: One (1) parking space for every two hundred fifty (250) square feet of gross floor area.
31. Storage warehouse and storage buildings (no distribution): One (1) parking space for every one thousand (1,000) square feet of gross floor area.
32. Storage, self (mini-warehouses): One (1) space for every five thousand (5,000) square feet of gross floor area, plus two (2) spaces for a caretaker and administrative use.
33. Schools—Elementary schools and nursery schools, private or parochial: One (1) parking space for each classroom, plus one-half (½) of the additional parking spaces for rooms used for public assembly as otherwise required by law.
34. Schools—Middle and senior high schools and colleges, private or parochial: One (1) parking space for each classroom, plus one (1) parking space for every five (5) students or one-half (½) of the additional parking spaces for rooms used for public assembly as otherwise required by this section, whichever is greater.
35. Tennis courts, racquetball and handball courts and clubs or other sport courts (except for any athletic courts which are accessory to any permitted residential development and membership consists only of residents of the residential development: Two (2) parking spaces per each court, plus additional parking spaces as required in this section for spectator seating and other uses associated with the courts.
36. Wholesale nursery and landscaping operations: One (1) parking space for each employee during peak work hours, plus two (2) additional parking spaces.

B. *Uses not specifically mentioned.* The requirements for off-street parking for any uses not specifically mentioned in this section shall be the same as provided in this section for the use most similar as determined by the planning and zoning director to the one sought, it being the intent to require all uses to provide off-street parking.

C. *Fractional measurements.* When units or measurements determining the number of required off-street parking spaces result in the requirement of fractional space, any such fractional space shall require a full off-street parking space.

D. *Mixed-use developments.* In the case of mixed uses, the total requirements for off-street parking require less parking than indicated by traditional parking rates due to varying parking demands for each land use. In sch cases, the following provisions, and section 90-560, and subsection F below, shall apply:

1. If the applicant requests to reduce the parking requirements for a mixed-use development below the minimum requirements of this chapter, a shared parking study shall be submitted to the city engineer. The share parking study shall be performed and certified by a registered professional engineer, architect, or planner experienced in parking studies.
2. The shared parking study shall comply with the methodology in the Urban Land Institute's "Shared Parking" manual, as it may be amended. At a minimum, the study shall include tenant uses, square footage, the required parking per code for each use, hours of operation, total parking provided, uses utilizing shared parking, hourly parking accumulation and the reduction of parking spaces.

E. *Measurement.* For the purposes of this article: the term "floor area" shall mean the gross floor area inside of the exterior walls; in hospitals, bassinets shall not co beds; in stadiums, sports arenas, places of worship and other places of assembly in which occupants utilize benches, pews or other similar seating facilities, every (20) linear inches of such seating facilities shall be counted as one (1) fixed seat for the purpose of computing off-street parking requirements.

F. *Parking studies.* In the event that an applicant for a site plan or change of use believes that the number of off-street parking spaces required in this article does not accurately reflect the need of the proposed use or development, the applicant may submit a parking study, prepared by a professional traffic engineer, which proposes an alternate parking requirement based upon the unique characteristics of the applicant's development or use. The city commission, after receiving recommendations from the staff, applicable consultants and the planning and zoning board, may, in its discretion, modify the parking requirements of this article for the applicant's development in accordance with the parking study.

(Ord. No. 2015-09, § 2(Exh. A), 9-21-2015; Ord. No. 2019-010, § 2, 10-16-2019)

Sec. 90-540. - Combined off-street parking.

Nothing in this article shall be construed to prevent collective provision for, or joint use of, off-street parking facilities for two (2) or more buildings or uses by two (2) or more owners or corporations provided that the total of such parking spaces, when combined or used together, shall not be less than the sum of the requirements of the several individual uses computed separately in accordance with this article, except as provided in section 90-560, use of required off-street parking by another building or use.

(Ord. No. 2015-09, § 2(Exh. A), 9-21-2015)

Sec. 90-550. - Nonconforming uses.

In the case of a building occupied by a nonconforming use, no substantial improvements and no extension or expansion of use shall be permitted unless and until the off-street parking requirements of this article for the use of the type involved are applied to such existing use and are fully provided for.

(Ord. No. 2015-09, § 2(Exh. A), 9-21-2015)

Sec. 90-560. - Use of required off-street parking by another building or shared use parking.

No part of an off-street parking area required for any building or use by this article shall be included as a part of an off-street parking area similarly required for another building or use unless the type of use indicates that the periods of usage will not overlap or be concurrent with each other as determined by the city commission.

1. Required parking spaces may be permitted by the city commission to be utilized for meeting the parking requirements of two (2) separate permitted uses when it is clearly established by the applicant that the two (2) uses will primarily utilize these spaces at different times of the day, week, month or year, such as a church sharing spaces with a retail store.
2. Recordable covenants, with correct legal descriptions, shall be submitted by the owners of the property and the businesses, in form acceptable to the city attorney; and these covenants shall be recorded by the city at the applicant's expense, and shall run with the land. These covenants shall provide that the use, or portion of a use, that requires the shared parking in order to obtain the necessary permits or licenses shall cease and terminate upon any change in their respective schedules of operation that results in conflicting or overlapping usage of the parking facilities; and no nonresidential use may be made of that portion of the property until the required parking facilities are available and provided. The covenant shall also provide that the city may collect attorney fees if litigation is necessary.

(Ord. No. 2015-09, § 2(Exh. A), 9-21-2015; Ord. No. 2019-010, § 2, 10-16-2019)

Sec. 90-570. - Fire lane requirement.

Fire lanes shall be provided as needed to provide safe and adequate emergency access to all portions of multifamily and nonresidential buildings. There shall be no parking within a designated fire lane. Each fire lane shall be a minimum of thirty (30) feet in width.

(Ord. No. 2015-09, § 2(Exh. A), 9-21-2015)

Sec. 90-580. - Driveway entrance design and construction standards.

A. *Intersection clearance.* A driveway shall not be located closer than twenty-five (25) feet to the right-of-way of a street intersection and in no event shall be located within the radius return of the intersection.

B. *Width.* The minimum width of a one-way driveway is twelve (12) feet, and the minimum width of a two-way driveway is twenty-four (24) feet. Driveway width is subject to review and approval by the city engineer and fire department.

C. *Radii.*

1. The minimum driveway radius return is five (5) feet for residential development and ten (10) feet for commercial development.
2. Edge of pavement radii shall be a minimum of twenty (20) feet to allow all passenger vehicle turning movements (into, out of and within the site) to occur

without encroaching into other lanes.

D. *Spacing.*

1. The minimum distance between any two (2) driveways on a collector or arterial street shall be two hundred (200) feet unless the roadway is under the jurisdiction of FDOT or Broward County, in which case the more stringent standard shall apply.
2. On local roadways, driveways shall be separated by a minimum of twenty (20) feet or greater as may be required so that the driveway return radii do not overlap.
3. The minimum distance between a right-of-way and parallel interior drive is twenty-five (25) feet.

E. *Grades.* Driveway grades shall not exceed three (3) percent. The maximum slope immediately beyond the right-of-way line shall not change in excess of five (5) percent for either angle of approach or breakover angle.

F. *Construction.* The driveway surface shall be constructed of a minimum of one and one-half (1.5) inch asphaltic concrete over an eight (8) inch lime-rock layer over a twelve (12) inch subgrade.

G. *Curbing.* A concrete header curb, Type F curb and gutter, or Type D curb shall be provided at all driveway entrances the full width of the radius.

H. *No structures in driveway entrance.* There shall be no catch basins, crosswalks, meter boxes, sewer cleanouts or other similar type structures in the driveway entrance.

(Ord. No. 2015-09, § 2(Exh. A), 9-21-2015; Ord. No. 2019-012, § 2, 10-16-2019)

Sec. 90-590. - Vehicular use area design and construction standards.

A. *Applicability.* This section applies to all portions of a vehicular use area other than driveways entrances onto a street as regulated in section 90-580, driveway entrance design and construction standards.

B. *Drive aisles.*

1. The minimum distance between a right-of-way and parallel interior drive aisle is twenty-five (25) feet.
2. Dead-end access aisles are prohibited, except that ninety-degree parking bays of less than ten (10) cars in length are permitted to terminate in a minimum backup area of fifteen (15) feet.

C. *Construction.* All vehicular use areas shall be constructed pursuant to section 90-580, driveway entrance design and construction standards, subsections E. and F.

(Ord. No. 2015-09, § 2(Exh. A), 9-21-2015)

Sec. 90-595. - Parking of commercial vehicles.

A. Off-street parking facilities supplied by the owner or operator to meet the requirements of this article shall not be used by commercial vehicles owned, operated or used in the business of such owner or operator during regular hours of business. Additional parking spaces shall be provided to accommodate commercial vehicles during regular hours of business and shall be located as far away as possible from a public right-of-way unless completely screened from being viewed within the public right-of-way.

B. Parking of commercial vehicles and heavy commercial vehicles within residential zoning districts (A-1, AE-1, AE-2, RS-1, RS-2, RS-3, RS-4, RS-6, RM-5 to RM-10, PUD, and PRD).

1. *Parking of commercial vehicles and heavy commercial vehicles within public and private rights-of-way.* Commercial vehicles and heavy commercial vehicles shall be permitted to park or stop within public and private rights-of-way within the residential zoning districts of the city only when such vehicles are actively engaged in the process of loading or unloading or performing work on premises.
2. *Overnight parking of heavy commercial vehicles; exception for permitted construction sites.* Heavy commercial vehicles may be parked overnight in a residential zoning district, provided the vehicle is not operating between the hours of 7:00 p.m. to 6:00 a.m. Monday through Saturday and 6:00 p.m. to 9:00 a.m. Sundays and national holidays; and only if such overnight parking is limited to no more than two (2) times per year per parcel unless the vehicle is used in the ordinary course of a bona fide farm operation or a business which possesses a valid City of Parkland business tax receipt to conduct business on the property. This restriction shall not apply while construction is ongoing on a residentially zoned parcel pursuant to an active city building permit.
3. *Screening of commercial vehicles and heavy commercial vehicles.*
   a. *Enclosure of commercial and heavy commercial vehicles.* Within residential zoning districts, commercial vehicles with or without trailers and heavy commercial vehicles shall be parked entirely within a garage, a carport, or within or surrounded by another opaque structure, or within an area in which the vehicle is screened by an opaque wall, fence, hedge, or vegetation in accordance with section 95-1525, screening and special landscaping requirements, to fully block the vehicle from view of nearby public or private rights-of-way and adjacent properties.
   b. *Additional screening options for commercial vehicles.* The following options for screening are available to commercial vehicles, as defined in this section:
      1. *Screening of commercial vehicle with opaque vehicle cover.* Within residential zoning districts, commercial vehicles may be parked on a paved driveway provided that the vehicle is covered entirely by an opaque cover. Said cover shall be constructed of sound material and shall be maintained

in good condition, such that there is no fading, tearing, or holes in the cover. Vinyl or canvas tarpaulin, or other covers not designed for use as a vehicle cover, shall be prohibited. All vehicle covers shall be constructed to permit all license registrations to be visible from public and private rights-of-way. This option may not be utilized to screen heavy commercial vehicles as defined herein.

2. *Coverage of commercial vehicle logo with opaque magnetic logo or lettering cover.* A commercial vehicle may meet the screening requirement of this subsection by completely obscuring commercial lettering or signage with a magnetic cover, provided it is the same color as the vehicle. This option does not apply to heavy commercial vehicles, and is available only to those vehicles that are considered commercial vehicles because of the presence of permanent or temporary signage on the vehicle.

(Ord. No. 2015-09, § 2(Exh. A), 9-21-2015)

DIVISION 10. - OFF-STREET LOADING AND STACKING REQUIREMENTS

Sec. 90-1010. - Off-street loading.

A. On the same plot with every structure or use hereafter erected or created, there shall be provided and maintained adequate space for loading and unloading of material goods and things and for deliveries and shipping so that vehicles for these services may use this space without encroaching on or interfering with the public use of street and alleys by pedestrians and vehicles.

B. Where any structure is enlarged or its use is extended so that the size of the resulting occupancy comes within the scope of this section, the full amount of off-street loading space shall be supplied and maintained for the structure or use in its enlarged or extended size. Where the use of a structure or land or any part thereof is changed to a use requiring off-street loading space under this section, the full amount of off-street loading space shall be supplied and maintained to comply with this chapter.

C. For the purposes of this chapter, an off-street loading space shall be an area at the grade level at least twelve (12) feet by forty (40) feet long with fourteen-foot vertical clearance. Each off-street loading space shall be directly accessible from a street or alley without crossing or entering any other required off-street loading space and arranged for convenient and safe ingress and egress by motor truck and/or trailer combination. Such loading space shall also be accessible from the interior of any building it is intended to serve.

D. Off-street loading spaces shall be provided and maintained in accordance with the following schedule:

1. For each retail store, storage warehouse, wholesale establishment, light industrial use, manufacturing use, freight terminal, market, restaurant, funeral home, laundry, dry-cleaning establishment or similar use which has an aggregate gross floor area of:
   a. Over ten thousand (10,000) square feet but not over twenty-five thousand (25,000) square feet: One (1) space.
   b. Over twenty-five thousand (25,000) square feet but not over sixty thousand (60,000) square feet: Two (2) spaces.
   c. Over sixty thousand (60,000) square feet but not over one hundred twenty thousand (120,000) square feet: Three (3) spaces.
   d. Over one hundred twenty thousand (120,000) square feet but not over two hundred thousand (200,000) square feet: Four (4) spaces.
   e. Over two hundred thousand (200,000) square feet but not over two hundred ninety thousand (290,000) square feet: Five (5) spaces.
   f. Over two hundred ninety thousand (290,000) square feet, for every additional ninety thousand (90,000) square feet or fraction thereof: One (1) additional space.
2. For each auditorium, convention hall, exhibition hall, museum, hotel, office building, sports arena, stadium, hospital, sanitarium, welfare institution or similar use which has an aggregate gross floor area of:
   a. Over twenty thousand (20,000) square feet but not over forty thousand (40,000) square feet: One (1) space.
   b. For every additional forty thousand (40,000) square feet or fraction thereof: One (1) additional space.
3. For any use not specifically mentioned in this section, the requirements for off-street loading for a use which is so mentioned and to which the unmentioned use is similar shall apply.
   a. Off-street loading facilities supplied to meet the needs of one (1) use shall not be considered as meeting off-street loading needs of any other use.
   b. No area or facilities supplied to meet the required off-street parking facilities for a use shall be utilized for or be deemed to meet the requirements of this article for off-street loading facilities.
   c. Nothing in this section shall prevent the collective, joint or combined provision of off-street loading facilities for two (2) or more buildings or uses provided that such off-street loading facilities are equal in size and capacity to the combined requirements of the several buildings or uses and are so located and arranged as to be usable thereby.
   d. Plans for buildings or uses requiring off-street loading facilities under the provisions of this section shall clearly indicate the location, dimensions, clearances and access for all such required off-street loading facilities.

(Ord. No. 2015-09, § 2(Exh. A), 9-21-2015)

Sec. 90-1020. - Stacking requirements.

A. *Drive-through facilities.* A minimum one hundred-foot-long stacking lane shall be provided for drive-through window facilities for each window. The stacking lane shall be exclusive of adjacent parking spaces and drive aisles serving those spaces

B. *Gated communities.* A suitable stacking distance between the adjacent right-of-way and the control access points within a gated residential community shall be determined in coordination with the engineering department at time a traffic study is required.

1. The minimum stacking distance shall be the greater of two hundred twenty (220) feet, or one (1) linear foot per peak hour trip generated by the community, as defined by the latest edition of the ITE Manual. However, the city engineering department shall have the discretion to amend this requirement based upon consideration of the following elements: number of entrances; provision and length of dedicated right-turn lanes accessing the community; findings of a traffic study; and other design factors deemed relevant by the city engineer.
2. All gated residential entrances shall maintain a minimum of two (2) separate access lanes into the community. These lanes shall be a minimum of twelve (12) feet in width. One (1) lane shall be dedicated for residents and one (1) lane shall be dedicated for guests. Either though design or signage, there shall be a clear demarcation of the dedicated resident lane. At no point, shall these two (2) lanes merge ahead of the controlled access point.
3. A turn-around area shall be provided ahead of the guardhouse.
4. If applicable, a second turn-around area shall be provided between the guardhouse and community access gate.
5. A minimum of two (2) parking spaces shall be provided for all manned guardhouses. One (1) of these spaces shall be ADA compliant.
6. Any bike lanes that provide access to the entrance of a residential community shall be continued through the entrance and any gated access points at the entrance.

(Ord. No. 2015-09, § 2(Exh. A), 9-21-2015; Ord. No. 2019-001A, § 3(Exh. B), 9-25-2019)

DIVISION 15. - VALET PARKING REGULATIONS

Sec. 90-1510. - Prohibition.

It shall be unlawful for a business located within a commercial zoning district in the city to provide valet parking services in connection with the conduct of business absent obtaining a permit pursuant to the provisions of this article.

(Ord. No. 2015-09, § 2(Exh. A), 9-21-2015)

Sec. 90-1520. - Permits.

The owner or operator of any business located within a commercial zoning district in the city may provide valet parking service in connection with the conduct of that business after obtaining a permit pursuant to this article. All valet parking service shall operate in a manner consistent with this article. Although valet parking service for a business and property owner may be provided by an independent contractor, the owner of the business must be a joint permittee.

(Ord. No. 2015-09, § 2(Exh. A), 9-21-2015)

Sec. 90-1530. - Permit expiration unless revoked.

Permits shall expire on September 30 of each calendar year and shall be issued for that portion of the year remaining from the date of issue to the following September 30. All permits must be renewed annually.

(Ord. No. 2015-09, § 2(Exh. A), 9-21-2015)

Sec. 90-1540. - Determination of valet services.

A. *Limitation on number of valet parking spaces.* No more than twenty-five (25) percent of the total required number of parking spaces per commercial development shall be utilized for valet services. Valet service parking shall be reviewed based on a first-come, first-serve basis. Parking spaces for valet services shall be at a location deemed by the city, in its sole discretion, to create the least imposition on the operation of businesses at the center.

B. *Location of valet parking spaces.* The location of the valet parking spaces shall be indicated on a site plan, submitted to the planning and zoning department by the person or entity owning the commercial development where the business requesting the valet services to be located, the person or entity owning the business that will use the valet service as well as the person or entity actually providing the valet service. The process for identifying such valet parking spaces shall be submitted as a revocable valet parking services permit with all associated fees.

C. *Signage.* There shall be no signage on site for the valet parking spaces that restrict such parking spaces to "valet only," however such spaces may be blocked off by orange construction cones during the hours of valet service as approved per the valet parking services permit.

D. *Noninterference with disabled-accessible parking.* The valet parking service operation shall not interfere with the accessibility of disabled-accessible parking spaces.

(Ord. No. 2015-09, § 2(Exh. A), 9-21-2015)

Sec. 90-1550. - Applications.

A. Applications for a revocable valet parking services permit shall be submitted to the city's planning and zoning department accompanied by a nonrefundable two hundred fifty dollar ($250.00) application filing fee for each business seeking a valet parking permit:
B. The application must be jointly submitted by the person or entity owning the commercial development where the business requesting the valet services is located, the person or entity owning the business that will use the valet service as well as the person or entity actually providing the valet service, if not an employee of the owner of the business;
C. The form of the application shall be supplied by the city and the applicants shall provide all information requested. Such application shall not be reviewed by the planning and zoning department until such time as all required information is submitted and complete;
D. The application shall be accompanied by an approved site plan, which shall clearly depict the location of the staging area and the business proposed to be served. The schematic must show the exact number of parking spaces the applicants anticipate will be used by the business and valet service and the current parking regulations at the locations intended to be used. The applicant may request signage associated with the staging area to identify valet parking;
E. The application shall also include a schematic traffic circulation plan, which shall provide the following information:
    1. The primary route between the staging area and the vehicle parking areas;
    2. The hours of operation of the valet services;
    3. The number of valet parkers intended to be employed and the periods of the day during which they shall be employed;
    4. The projected number of trips from the staging area to the parking areas, and from the parking areas to the staging area during the normal operation hours of the valet service;
    5. The location of any additional objects associated with the valet parking service, to include, but not be limited to, key box and chairs; and
    6. A clear pathway, parallel with the street or parking lot, with a minimum width of five (5) feet shall be maintained for through pedestrian traffic. If such five-foot clear pathway cannot be maintained, no permit shall be issued. A greater width may be required as a condition of approval.
F. The applicant shall provide insurance documentation that names the city as an additional insured;
G. The city may require appropriate traffic control devices, approved by the city prior to the placement of such devices, to facilitate the movement of traffic;
H. Prior to the issuance of a permit, the applicant shall furnish a signed statement that the permittee shall hold harmless the city, its officers and employees and shall indemnify the city, its officers and employees from any claims for damages to property or injury to persons which may be occasioned by any activity carried on under the terms of the permit;
I. A copy of the revocable valet parking services permit shall be available on site during business hours;
J. The valet parking services company shall obtain a business tax receipt from the City of Parkland;
K. The application shall include an affidavit from the owner of the center in which the business is located (or its authorized agent) stating that all businesses in the center have been given notice of the application.

(Ord. No. 2015-09, § 2(Exh. A), 9-21-2015)

Sec. 90-1560. - Staging of motor vehicles in parking aisles.

A. The revocable valet parking service permit will specify the terms and conditions applicable.
B. When the staging area will utilize parking aisles, the following shall apply:
    1. All traffic control devices shall be strictly adhered to.
    2. All applicable statutes, ordinances and regulations concerning movement and parking of motor vehicles shall be adhered to.
    3. The issuance of a valet parking service permit will give the permittee no special rights with respect to the use of the parking aisles, different from the rights of the general public, other than the limited right to temporarily use a staging area to receive motor vehicles.
    4. At any time the city manager or his/her designee should determine that the use of the staging area by the permittee is creating a situation which is adverse to the public health, safety and welfare or, to the use of the parking aisle by the public in general, the valet service permit may be further conditioned, by the city manager or his/her designee, so as to eliminate adverse impacts, or the permit may be revoked.
    5. Staging areas shall be restricted to the staging areas permitted pursuant to the valet parking service permit. There shall be no storage of vehicles in the area used for staging. A vehicle will be considered stored if it remains in the staging area for more than five (5) minutes. Staging shall not occur in any location other than in the area provided for staging as indicated in the permit. Egress and ingress of the commercial development shall not be obstructed by unattended vehicles waiting to be parked. At no time shall unattended vehicles be left in the staging area.

(Ord. No. 2015-09, § 2(Exh. A), 9-21-2015)

Sec. 90-1570. - Employees.

A. All employees who operate motor vehicles shall have a valid state driver's license and shall follow all traffic regulations.

B. All employees shall display a name tag identifying the valet company, or in the event that the valet parkers are employees of the business the name tag shall display the name of the business, and the individual's name.

C. All employees shall be in a similar uniform.

D. All employees shall comply with all applicable laws and statutes that relate to traffic safety.

(Ord. No. 2015-09, § 2(Exh. A), 9-21-2015)

Sec. 90-1580. - Inspection.

The city manager or a code enforcement officer of the city shall be entitled to inspect the operation of the valet service with such frequency as he/she shall deem warranted in order to determine that the permittee is complying with the terms of this section [article], as well as other applicable laws, ordinances and regulations. By accepting a valet service permit, the permittee agrees to allow inspections to take place and shall cooperate fully with the city in the conduct of the inspection to assist the city to obtain such information as is required in order to determine compliance by the permittee.

(Ord. No. 2015-09, § 2(Exh. A), 9-21-2015)

Sec. 90-1590. - Penalties.

A. Any business or valet found to be in violation under the terms of their permit shall be fined in the following manner:

1. Minor offenses include, but are not limited to, the following:
    a. Operating valet parking service business without a valid City of Parkland business tax receipt.
    b. Employees of the valet parking service business not wearing a uniform or identification tag.
    c. Penalty: Fine shall be a minimum of twenty-five dollars ($25.00) per offense.
2. All other offenses include, but are not limited to, the following:
    a. Operation without a valet parking service permit.
    b. No or inadequate insurance coverage.
    c. Penalty:
        1. First offense $100.00
        2. Second offense $250.00
        3. Third offense $500.00

B. Any fine imposed hereunder, if contested, shall be subject to the jurisdiction of the city's special magistrate for code enforcement.

(Ord. No. 2015-09, § 2(Exh. A), 9-21-2015)

Sec. 90-1595. - Revocation or modification of permit by city.

A. Any permit issued pursuant to this article shall be deemed automatically revoked for failure of the valet service, on three (3) occasions in any twenty-four-month period, to adhere to any standard or requirement of this article as determined by the code enforcement special master or of state law as determined by the entity with jurisdiction over said matter. In addition, said permit may be revoked on a determination that the operations of the permittee conflict with the rights of the public to use the parking aisles or that the permittee's valet service adversely impacts the business or property of others.

B. The city shall follow the following revocation process where the revocation is not automatic:

1. The permittee shall be given written notice of a violation, the action necessary to correct the same or the modifications required with reference to the permittee's valet operations. Notice may be hand delivered, posted, or mailed by U.S. registered mail, return receipt requested. Hand delivery shall include handing the notice to any employee of the permittee. Posting shall be in an observable location at the place of business providing the valet service.
2. The notice shall specify the time for the valet service to correct the violation or implement modification, in those circumstances where such corrective action is possible. Should the valet service fail to correct the violation or implement modifications within the time given, the revocable valet service permit shall be revoked and shall be of no further force and effect. Once the permit has been revoked, the permittee shall cease valet services.
3. Within five (5) days of the date of the revocation of the permit, the permittee may appeal the revocation by submitting a written application using the form provided by the planning and zoning department. All applications shall be accompanied by the processing fee and other supporting evidence pertaining to the appeal and the grounds or reasons therefore. The appeal shall be filed with the planning and zoning department. The planning and zoning department may request supplemental material in writing.
4. Review by the planning and zoning board. The planning and zoning board shall review and decide appeals from any person who has been adversely

affected by a decision of an administrative official in the interpretation or application of the land development regulations. The planning and zoning board may modify, reverse or affirm the administrative official's decision interpreting or applying the provisions of the land development regulations.

5. Processing.
   a. All applications for administrative appeals shall be scheduled for a hearing before the planning and zoning board by the planning and zoning department.
   b. The applicant shall present the appeal at a public hearing before the planning and zoning board.
   c. The administrator subject to the appeal may present reasons and documentation supporting the initial decision.
   d. The concurring vote of four (4) of the five (5) board members shall be necessary to reverse any order, requirement, or decision of the city administrative staff.
   e. Upon a decision, the planning and zoning board shall issue a written order to be forwarded to the city clerk that shall be sent to the applicant and become a part of the public records.
   f. Any decision by the planning and zoning board may be appealed to the city commission by the applicant or the city administrative staff.

(Ord. No. 2015-09, § 2(Exh. A), 9-21-2015)

ARTICLE 91. - OUTDOOR LIGHTING

Sec. 91-10. - Purpose and scope.

The purpose of this article is to establish standards for electrical lighting installed within the city in order to protect the public health, safety and welfare. More specifically, the standards in this article are intended to:

A. Ensure that minimum lighting levels within off-street vehicular use areas and city streets are adequate for the safe operation of vehicles and other modes of travel for which certain streets may be designed.
B. Contain illumination to areas for which such illumination is intended and minimize light.
C. Promote the city's parklike setting, whereby lighting is generally subtle and compliments building architecture, architectural features, and landscaped areas.

(Ord. No. 2016-12, § 3, 12-7-2016)

Sec. 91-20. - Applicability.

The provisions of this article shall apply to all land uses, and all occupancy classifications under the building code, with the exception of lighting installed by public utilities in conformance with the Florida Public Service Commission Approved Utility Tariff for public street lights and public facilities, including, but not limited to, public parks and their associated lighted recreation areas, athletic areas, courts, and fields. New light poles and light fixtures and all modifications of existing light poles and light fixtures shall comply with the provisions of this article.

(Ord. No. 2016-12, § 3, 12-7-2016)

Sec. 91-30. - Definitions and references.

A. For the purposes of this article, the following words and phrases shall have the meanings set forth below.

Color Rendering Index (CRI). A value from one (1) to one hundred (100) (with one hundred (100) being optimal) rating a light source's ability to render an object's true colors.

Electrical plan. A plan or drawing showing the electrical wiring of the luminaires, electrical load calculations, panel schedules, and other information in accordance with the Florida Building Code.

Footcandle. A unit of illuminance; a measurement of the amount of light falling onto a surface; One (1) footcandle is one (1) lumen per square foot (Lm/fc2).

Glare. The sensation in the eye produced by a more intense source of light that causes annoyance, discomfort, or loss of visibility.

Glare disability. Glare that produces discomfort and reduces visual performance.

Lamp (bulb). Generic term for a manmade source created to produce optical radiation (light); a light source.

LED. Light emitting diode.

Light trespass. Light that falls beyond the property it is intended to illuminate; also called "light spillage." For the purpose of compliance with this article, light trespass is measured at the property line.

Luminaire. Light fixture; a complete lighting assembly consisting of lamp(s), socket(s), ballast, reflectors, lenses, and a housing.

Luminaire classification system (LCS). Classification of outdoor luminaires based on angular light distribution; uses the backlight, uplight, and glare (BUG) ratings of a specific luminaire. This replaces "cutoff" and "full cutoff" definitions for new luminaires. (See Reference Code IES TM-15-11.)

Luminaire, cutoff. A luminaire with light output of less than two and one-half percent (2.5%) above ninety (90) degrees and less than ten (10) percent above eighty (80) degrees.

Luminaire, full cutoff. A luminaire with light output of zero (0) above ninety (90) degrees and less than ten (10) percent above eighty (80) degrees.

Nonresidential property. Any property other than residential property as defined herein.

Occupancy group. The classification as to use and occupancy of buildings and structures, and the spaces therein, under the building code.

Residential property. Any property that is located within a residential zoning district, or occupied by an assisted living facility or other group housing, or for which a development order or permit has been issued for such occupancy.

Trespass: see, "Light trespass."

B. The following resources shall be used for the design and testing of parking facility lighting. The standards contained therein are hereby adopted by reference and shall apply unless standards contained within this article are more stringent, in which case the more restrictive standards shall apply.

1. "The Lighting Handbook"
   Tenth Edition (or latest edition)
   By the Illuminating Engineering Society (IES)
2. "Roadway Lighting"
   RP-8-14 (2014)
   By the Illuminating Engineering Society (IES)
3. "Luminaire Classification System for Outdoor Luminaires"
   TM-15-11
   By the Illuminating Engineering Society (IES)
4. "Nonenclature and Definitions for Illuminating Engineers"
   RP-16-10
   By the Illuminating Engineering Society (IES)
5. Florida Building Code
   Fifth Edition (or latest edition)

(Ord. No. 2016-12, § 3, 12-7-2016)

Sec. 91-40. - General provisions.

A. All lighting shall be concentrated on the ground, building, street, or sign it is intended to illuminate.
B. Lighting that is designed to illuminate a building roof area is prohibited.
C. Lighting shall not be used as advertising, nor shall it draw more attention to the area at night than during the day.
D. Luminaires mounted at more than ten (10) feet above finished grade shall not be located within fifteen (15) feet of a shade tree's trunk center. The city may allow the minimum deviations it deems necessary from this where it determines that a hardship will make compliance infeasible or impractical.

(Ord. No. 2016-12, § 3, 12-7-2016)

Sec. 91-50. - Contextual lighting standards.

A. *Open parking and vehicular use areas, and building entrance requirements.* The following requirements apply to all occupancy groups for parking areas and pedestrian access to multiple-family and nonresidential buildings and parking areas. All values shall be maintained:

1. Illumination standards.
   a. Minimum footcandles (fc): 1.0
   b. Average to minimum fc ratio: 4:1
   c. Maximum to minimum fc ratio: 12:1
2. Maximum permitted light trespass (in footcandles).
   a. Onto adjacent nonresidential property: 0.5

b. Onto adjacent residential property: 0.1

3. Lamps, reflectors and lenses, shall not be visible from the property lines.
4. All luminaires shall be "full cutoff" or BUG" rated as follows:
   a. Backlight rating: B0—B2 along property lines.
   b. Uplight rating: U0
   c. Glare rating: G0—G4

B. *Enclosed parking area requirements.* The following requirements apply to structured parking and parking under buildings for all occupancy groups. All values shall be maintained.

1. Illumination standards.
   a. Entrance during daytime: Fifty (50) footcandles
   b. Entrance during nighttime: Five (5) footcandles
   c. Ramp (no parking) during daytime: Ten (10) footcandles
   d. Ramp (no parking) during nighttime: Five (5) footcandles
   e. Drives and parking spaces at all times: Five (5) footcandles
   f. Average to minimum footcandle ratio: 4:1
   g. Maximum to minimum footcandle ratio: 12:1
2. Maximum permitted light trespass (in footcandles).
   a. Onto adjacent nonresidential property: 0.5 fc
   b. Onto adjacent residential property: 0.5 fc
3. Lamps, reflectors and lenses for roof-mounted luminaires and interior garage luminaires shall not be visible from adjacent properties.
4. All luminaires shall be "full cutoff" or "BUG" rated as follows:
   a. Backlighting rating: B0—B-3 along property lines
   b. Uplight rating: U0—U3
   c. Glare rating: G0—G4

C. *Streets within residential developments.* The following requirements apply to private streets that are located within residential neighborhoods. All values shall be maintained.

1. Illumination standards.
   a. Minimum average footcandles: 0.5
   b. Minimum footcandles: 0.2
   c. Average to minimum fc ratio: 4:1
   d. Maximum to minimum fc ratio: 10:1
2. All luminaires shall be full cutoff, cutoff, semi-cutoff, or "BUG" rated as follows:
   a. Backlight rating: B0—B2 along property lines
   b. Uplight rating: U0—U2
   c. Glare rating: G0—G-4

(Ord. No. 2016-12, § 3, 12-7-2016)

Sec. 91-60. - Luminaire requirements.

A. All luminaires shall be mounted horizontal to the ground with zero (0) degree tilt.

B. The maximum mounting height of a luminaire from grade shall be as follows:

1. Single-family and two-family neighborhoods: Ten (10) feet
2. Multiple-family developments: Twenty (20) feet
3. Tennis courts: See subsection 15-5540 for height limit
4. Streets in residential developments: Twenty (20) feet
5. Nonresidential development: Thirty (30) feet, but limited to twenty (20) feet within fifty (50) feet of a residential zoning district.

C. All lamps shall be metal halide, fluorescent, or LED.

D. High pressure sodium lamps may be used only on residential streets.

E. The maximum color temperature shall be five thousand (5,000) Kelvin, except residential areas and streets within residential developments shall be limited to four thousand (4,000) Kelvin.

F. Landscape luminaires and accent uplighting shall have a maximum lumen output of one thousand one hundred (1,100) lumens. The lamps shall be shielded from view, and the lamp, reflectors and lenses shall not be visible from the property line. Accent uplighting may be permitted only upon the approval of the city commission for external illumination of subdivision entrance features, signs and architectural features. Single-family dwellings are exempt from the requirement for city commission approval.

G. Luminaires used for temporary traditional holiday lighting shall be LED, not to exceed one and one-half (1.5) watts; or incandescent not to exceed seven and one-half (7.5) watts. The lamp may extrude from the luminaire.

H. All outdoor pole lighting installed on commercially zoned property, pursuant to a building permit issued subsequent to October 1, 2019, shall utilize LED technology or similarly energy efficient technology accepted by the city engineer.

(Ord. No. 2016-12, § 3, 12-7-2016; Ord. No. 2019-001A, § 4(Exh. C), 9-25-2019)

Sec. 91-70. - Photometric plans.

A. A photometric plan demonstrating compliance with the requirements of this article shall be submitted to the planning and zoning department for review and approval for all new construction and for all existing properties where the site lighting is changed or modified. Routine luminaire maintenance, limited to replacing lamps, ballasts, photo cells, or lenses with exact replacement parts from the original manufacturer, shall not require a photometric plan for review and approval by the planning department. However, if a luminaire is changed from the original design for any reason, a photometric plan shall be submitted for review and approval by the planning department.

B. Photometric plans shall be signed and sealed by a Florida registered architect or engineer.

C. A scaled plan is required to demonstrate compliance with the lighting requirements. This scaled plan shall show the footcandle levels in all applicable areas of the site plan. These areas include, but shall not be limited to, parking, access drives, pedestrian walkways, sport fields, tennis courts, and other areas being illuminated, as well as lighting values at the property lines.

D. Footcandles shall be shown on a ten-foot by ten-foot grid in all applicable areas.

E. Lighting trespass footcandle levels shall be shown at the property line with a ten-foot spacing. Both horizontal (at grade) and vertical (grade up to seven (7) feet) levels shall be provided.

F. The plan shall include the trees as shown on the landscape plan.

[G. Reserved.]

H. All footcandle values shall be maintained values. All footcandle readings shall be at ground level, horizontal, unless otherwise stated.

I. A summary chart for each area and for the trespass lighting shall be provided on the photometric plan. This chart shall show the following values:

1. Illuminated areas (vehicular use areas, sports courts, etc.):
    a. Average footcandles;
    b. Maximum footcandles;
    c. Minimum footcandles;
    d. Average to minimum footcandle ratio;
    e. Maximum to minimum fc ratio:
    f. Pole heights;
    g. Luminaire mounting heights;
    h. Luminaire BUG ratings.
2. Property lines:
    a. Maximum footcandles; horizontal at grade;
    b. Maximum footcandles; vertical at the property line, zero (0) feet to seven (7) feet above grade.

J. The photometric plan shall show the manufacture's cut sheets for all luminaires. These cut sheets shall contain the following: Dimensions, pictures, and data conforming to the "BUG" or the full cutoff requirements. These cut sheets may be submitted as separate eight and one-half-inch by eleven-inch sheets.

(Ord. No. 2016-12, § 3, 12-7-2016)

Sec. 91-80. - Certificate of completion requirements.

A. Prior to the issuance of a certificate of occupancy or certificate of completion by the city, a Florida registered architect or engineer shall inspect the lighting installation, provide a marked up photometric plan showing a summary of the observed footcandle readings, and provide a document stating that the lighting system has been installed in accordance with the photometric plan approved by the city. The city may require an independent certification by a Florida

registered architect or engineer. The certificate shall be paid for by the applicant under the city's cost recovery program.

B. All footcandle measurements shall be taken by a Florida registered architect or engineer. The light meter shall have been certified within twelve (12) months of the date the measurements are taken. All measurements shall be at grade level for horizontal readings and shall be at grade level up to seven (7) feet for vertical readings.

(Ord. No. 2016-12, § 3, 12-7-2016)

ARTICLE 95. - LANDSCAPING AND VEGETATION

DIVISION 5. - GENERALLY

Sec. 95-510. - Intent and objectives.

A. *Intent.* The intent of these regulations is to protect, preserve and enhance the natural environment and beauty of the city by providing for landscaped green spaces, trees and other plants and arranging them in a pleasing manner in relation to paved areas, structures and abutting properties.

B. *Objectives.* The objectives of this chapter [article] are as follows:

1. To provide standards and requirements for landscape materials, as well as their placement, installation and maintenance within the municipal limits.
2. To conserve energy, abate noise, reduce glare and windborne particle matter, moderate temperatures and enhance the aesthetic quality of the city.
3. To preserve the existing natural landscape character of the city thereby promoting the health, general welfare, character and aesthetics of the community.
4. Preserve and enhance the landscape character of the city to absorb greenhouse gas and carbon dioxide from the atmosphere and help keep the planet cool in addition to promoting convective clouds that help to cool the planet.

(Ord. No. 2015-09, § 2(Exh. A), 9-21-2015)

Sec. 95-520. - Definitions.

Terms defined. For the purposes of this article, the following words and phrases shall have the meanings herein set forth:

Accent tree means a tree normally reaching a maximum height of between twelve (12) to fifteen (15) feet. Generally growing beneath or between larger trees and used as accent to the overall parcel.

Appraised value means a valuation of an existing tree's value based on any given point in time. The valuation is to be performed by an International Society of Arboriculture (ISA) certified arborist utilizing the Council of Tree and Landscape Appraisers (CTLA) Guide of Plant Appraisal, latest edition.

BMP means best management practice, particularly as it pertains to the use of natural and manmade devices used for erosion and sedimentation control.

Brush means any dense growth or bushes, shrubs or weeds, or any accumulation of, but not limited to: Grass clippings, hedge and tree trimmings, palm fronds, leaves, and other such debris.

Caliper means the diameter of a tree trunk measured four and one-half (4½) feet above the ground.

Category I invasive exotics means invasive plants that are altering native plant communities by displacing native species, changing community structures or ecological functions, or hybridizing with natives.

Clear trunk means a point above the root ball along the vertical trunk or trunks at which lateral branching or fronds begin.

Designated canopied protection areas means an area on any piece of property where street trees have been and/or are existing as defined in and required by section 95-1540, landscaping and vegetation.

Destruction of natural growth means growth pruning that causes irreparable damage and permanent disfigurement to a tree such that even with regrowth, the tree(s) will never regain the natural appearance of the species, or the tree is a danger to the public or property.

Diameter breast height (DBH) means the diameter of a tree trunk measured at four and one-half (4½) feet above grade measured in accordance with the most recent guidelines published by the U.S. Forest Service.

Drip line means a natural outside end of the branches of a tree or shrub projected vertically to the ground.

Foundation plantings means plant material placed in near proximity to building foundations located in planting beds arranged to compliment the building elevations and connect the building to the site.

Hardscape means elements added to natural landscape such as paving stones, walkways, fountains, artwork, furniture, and other similar items.

Hedge means a close planting of shrubs which forms, or can be maintained to form, a compact, dense visually opaque, living barrier when mature.

Horizontal plane means an imaginary line that begins at the base of the live frond petioles.

Invasive exotic means an exotic that not only has naturalized but is expanding on its own in Florida plant communities.

Irrigation/sprinkler system means a system of piping and sprinkler heads, its use being to convey water to all landscaped areas: provision of water by artificial means.

Land clearing means the act of removing natural or manmade material from a particular piece of real property. For the purpose of this chapter, land clearing shall not be interpreted to include the removal of dead or undesirable plant material as described elsewhere in this chapter or mowing of grass.

Landscape means plant materials, topography, and other natural physical elements combined in relation to one another and to manmade structures.

Landscape buffer yard means an area of landscaping and open space around the perimeter of a development parcel or an area adjacent to a parking lot which is used to screen differing land uses from each other.

Landscape feature means any improvement or vegetation including but not limited to outbuildings, walls, courtyards, fences, shrubbery, trees, sidewalks, planters, plantings, gates, street furniture and exterior lighting.

Landscaping means living plant, stones, and natural material purposely maintained for functional and or aesthetic reasons as referenced in Richard Harris, "Arboriculture Integrated Management of Landscape Trees, Shrubs and Vines, Second Edition"; Gary W. Watson and E.B. Himelick, "Principles and Practices of Planting Trees and Shrubs"; Florida Urban Forestry Council, "Selecting and Planting Trees for the South Florida Urban Forest"; and Florida Power and Light's "Plant the Right Tree in the Right Place" brochure, and South Florida Water Management District "Waterwise" for South Florida Landscapes and Florida Friendly Landscape Principles The 2014 Florida Statutes, Title XXVIII, § 373.185.

Lawn means an area of maintained turf.

Lollipopping means shearing or trimming a tree into an unnatural shape, such as round like a lollipop, and is illegal by ordinance.

Mulch means an organic solid additive or topping such as compost, wood chips, wood shavings, seasoned sawdust, bark, leaves, or straw, used to reduce evaporation, prevent erosion, control weeds, enrich soil, and lower soil temperature.

Native species means those trees and plant material set forth as approved plant species native to Florida in accordance with the Association of Florida Native Nurseries; a species whose natural range included Florida at the time of European contact (1500 A.D.).

Natural area means a substantially undisturbed area left at natural grade containing native or other desirable vegetation. Nuisance species may be selectively removed from natural areas.

Node means a point on a branch from which another branch arises.

Nursery means any grounds or premises on or in which nursery stock is grown, propagated, or held for wholesale sale or distribution, except where aquatic plant species are tended for harvest in the natural environment.

Overlift means the removal of the majority of the inner lateral branches and foliage there by displacing weight and mass to the ends of the branches. The alteration of the tree's live crown ratio may be considered as evidence of overlifting, and not in accordance with city ordinance.

Pasture means land that is used for grazing livestock.

Performance bond means a surety bond issued by an insurance company or a bank to guarantee satisfactory completion of a project by a contractor.

Plant materials means trees, shrubs, vines, ground covers, grass, perennials, annuals, and bulbs.

Planting strip or easement means any portion of land which is set aside in order to separate two (2) areas with a buffer of landscaping.

Plants and plant products means trees, shrubs, vines, forage and cereal plants, and all other plants and plant parts, including cuttings, grafts, scions, buds, fruit, vegetables, roots, bulbs, seeds, wood, lumber, and all products made from them, unless specifically excluded by the rules of the department.

Protected tree means a tree which due to its size, character, age historical significance and/or aesthetic value is a locally unique example of a particular species and practically irreplaceable as declared by the city commission.

Prune or *trim* means to cut away, remove, cut off, or cut back parts of the tree or plant to promote healthy growth. [The term "prune" or "trim" also means] to control growth or remove dead or decayed branches without destroying natural growth characteristics of the tree or plant with the exception of hedges.

Shade tree means a tree species, excluding palms, which by virtue of its natural shape provides a minimum shade canopy of thirty (30) feet in diameter at maturity.

Shape means the regular and frequent shearing of outer tree branches, making pruning cuts of one (1) inch in diameter or less, for the purpose of controlling the size and shape of the tree canopy.

Shearing means the cutting of many small diameter stems of one (1) inch in diameter or less.

Shrub means a multi-stemmed woody plant other than a tree.

Specimen tree means any tree which has a DBH (diameter at breast height) of eighteen (18) inches or greater; with the exception of the following:

A. 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.

B. Species of the genus Ficus except F. Aurea (Strangler Fig), F. Laerigata (Short Leaf Fig), F. rubiginosa (Rusty Fig or Rusty Leaf Fig), F. Jacquinifolia.

C. All multitrunk palms.

D. Trees that are in poor condition or form as determined by the city.

Standards for pruning references and means the following: The American National Standards Institute A-300 (ANSI A-300), Tree, Shrubs and other Woody Plant Maintenance—Standards, Practices; ANSI Z-133.1, Pruning, Repairing, Maintaining, and Removing Trees, and Cutting Brush—Safety Requirements; and ISA - International Society of Arboriculture Guidelines for Pruning Trees and Palms.

Stubbing or *hatracking* means a method of severely pruning a tree or a portion of a tree back to its major limbs, hatracked trees may be subject to removal and replacement.

Synthetic turf means a dense and continuous surface of synthetic fibers mounted on a permeable backing and of sufficient density and green color to replicate the appearance of healthy natural grass.

Topiary pruning means the practice of pruning an accent plant into an ornamental shape by pruning branches one (1) inch in diameter or less.

Tree means nay living self-supporting dicotyledonous or monocotyledonous woody perennial plant which has a DBH of no less than three (3) inches and normally grows to an overall height of no less than ten (10) feet in South Florida.

Tree abuse means any action or inaction to any part of a tree which will cause a tree to die or become so undesirable as to warrant the total removal of the tree. Such abuse may include but not be limited to damage inflicted upon the roots by heavy machinery, changing the natural grade, cutting or filling around root area, damage inflicted on the tree permitting infection or pest infestation, improper pruning so as to destroy the natural shape or which causes infection, infestation or decay. The term "tree abuse" shall mean:

A. The removal of greater than thirty (30) percent of a tree's canopy within a one-year period;

B. For a tree that has not reached a height or spread of thirty (30) feet, pruning that reduces the height or spread;

C. Failure to properly barricade trees according to the Tree Protection Manual for Builders and Developers prior to using any land removal or tree removal equipment being used on the lot or parcel;

D. The damaging of trees or root systems of any trees which are not permitted to be removed or trimmed in excess of the provisions of this chapter, prior to barricading or after barricades have been erected;

E. The hatracking of a tree;

F. Cutting upon a tree which destroys its natural habit of growth;

G. Pruning that leaves stubs or results in a flush cut, or splitting of limb ends;

H. 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 (⅓) of the length of the line falls on portions of the tree where bark no longer remains;

I. Use of climbing spikes for any purpose other than total tree removal or as specifically permitted by the National Arborist Association Standards;

J. Pruning that does not conform to standards set by the American National Standards Institute, as amended; or

K. Pruning of live palm fronds which initiate above the horizontal plane as defined by the American National Standards Institute (ANSI A-300).

The removal of diseased or dead portions of a tree shall not constitute tree abuse under [subsections] A. through K. above, or the complete removal of a tree pursuant to a valid tree removal permit shall not constitute tree abuse under this section.

Tree canopy means the upper portion of the tree consisting of limbs, branches and leaves.

Tree protection manual references and means the Tree Protection Manual for Builders and Developers by the Florida Department of Agriculture Division of Forestry.

Tree removal means changing the location of a tree, or the willful destruction of a tree, or abuse which will cause a tree to die.

Tree survey means a document pertaining to a particular property or group of properties meeting the requirements of 21-HH F.A.C., as amended from time to time, and must provide, at a minimum, the following information:

A. The location plotted by accurate techniques, of all existing trees within the property boundaries and fifteen (15) feet outside of the property boundaries;

B. The common and scientific name of each tree;

C. The DBH of each tree, or if a multiple trunk tree;

D. Canopy coverage in square feet;

E. Condition of the tree (good, fair, poor or dead);

F. Appraised value (for all trees); and

G. Proposed disposition (remain, remove, relocate).

Trellis means a frame supporting open latticework used as a screen or a support for growing vines or plants.

Trim means to reduce, shorten or diminish gradually a plant or parts of a plant without altering the existing or natural shape.

Turf means the upper layer of soil bound by grassy plant roots.

Vegetation means any plant species with a geographic distribution indigenous to or introduced to all or part of the state.

Vehicular encroachment means any protrusion of a vehicle outside of a vehicular use area into a landscaped area.

Vine means a plant whose natural growth characteristics produces climbing, meandering stems.

(Ord. No. 2015-09, § 2(Exh. A), 9-21-2015; Ord. No. 2019-011, § 2, 10-16-2019 ; Ord. No. 2020-016, § 2, 11-18-2020)

DIVISION 10. - TREE REMOVAL AND LAND CLEARING

Sec. 95-1010. - General requirements—Tree removal and tree preservation.

A. *Applicability.*

1. The terms and provisions of this chapter shall apply to the following classifications of real property:
   a. All vacant and undeveloped property.
   b. All property in all zoning classifications that is intended to be developed.
   c. The yard, parking and open space areas of all developed property.
   d. All property where there is to be any addition or alteration of a substantial nature.
2. The removal of the following species shall apply and receive a land-clearing permit:
   a. Shinus terebinthifolius (Brazilian pepper).
   b. Metopium toxiferum (Poison wood).
   c. Melaleuca quinquenervia (Punk tree, Cajeput or Pepper bark).
   d. Casuarina Species (Australian pine).
   e. Bishofia javanica (Bischofia, Bishopwood).
   f. Acacia auriculae formis (Earleaf acacia).
   g. Aravacaria excelsia (Norfolk Island pine).
   h. Brassia actinophylla (Shefflera).
   i. Leucaena leucocephala (Lead tree).
   j. Cupaniopsis anacardiopsis (Carrotwood).
   k. Syzygium cumini (Jambolan plum, Java plum).
   l. Albizia julibrissin (Silk tree).
   m. Dalbergia sissoo (Rosewood tree).
   n. Eugenia uniflora (Surinam cherry).
   o. Lygodium microphyllum (Old World climbing fern).
   p. Pueraria montana var. lobata (Kudzu vine).

B. *Permits.*

1. No person, organization, society, association or corporation or any agent or representative thereof, directly or indirectly, shall clear land, cut down, destroy, or move or effectively destroy through damaging any tree which has attained a caliper dimension of at least two (2) inches and is situated on property described above without first obtaining a permit as herein provided. A tree removal penalty fee of five hundred dollars ($500.00), plus the appraised value, shall be charged for each tree removed without a permit. This fee shall be in addition to any other remedy available to the city pursuant to this section.
2. The city may enforce this section as provided in paragraphs 3. and 4. of this subsection B., or as otherwise provided by law.
3. a. Any tree moved without a permit shall be replaced by an equivalent replacement.
   b. For the purposes of this section, an equivalent replacement shall be defined as:
      1. The equal square area of the trunk of the tree removed if the tree removed is less than twenty (20) feet in height or twice the equal square area of the trunk of the tree removed if the tree removed is more than twenty (20) feet in height, both measured at four and one-half (4½) feet above the ground; and

2. The same species, if possible, or other native species as defined in the Association of Florida Native Nurseries Plant and Service Locator.

c. If the tree removed was so large that replacement is impossible by one (1) equivalent replacement, the largest tree reasonably available shall be planted on the site, with the remainder of the equivalent replacement planted on the site or on public property by the violator at the city's option and direction.

d. The equivalent replacement, whether in the form of one (1) or more trees, shall be guaranteed for one (1) year.

e. In the event that insufficient trunk of the tree removed exists so that the equivalent replacement cannot be determined thereby, the equivalent replacement shall be estimated based upon trees of the same species existing in the vicinity, considering, among other things, aerial photographs and other available data relative to the area.

f. This permit, if approved, shall be granted for a maximum of six (6) months from the date of permit issuance.

g. This permit shall be posted in a protected area and in a conspicuous place on the site.

4. Any person, organization, society, association or corporation or any agent or representative thereof, who shall remove a tree without a permit shall, upon conviction thereof, be subject to a fine not to exceed five hundred dollars ($500.00), plus the appraised value of the tree, or ninety (90) days in jail. Each tree removed without a permit shall constitute a separate offense. Any fines imposed pursuant to this subsection shall be deposited in the city's tree preservation fund to be used solely for tree preservation projects.

C. *Application.*

1. Permits for clearing land, removal, relocation, or replacement of trees covered herein, shall be obtained by making application on a form prescribed by the city, and submitted to the city engineering department.

2. For new development the application shall be accompanied by a sealed survey prepared by a registered land surveyor, landscape architect or civil engineer, which shall show, in addition to all boundary information, the exact location, size, botanical and common name of all trees of two (2) or more caliper inches and six (6) feet in height within the area affected by the development except that groups of trees may be designated as "clumps," with the predominant type and estimated quantity shown. The expense of the survey shall be borne by the applicant.

3. The application shall also be accompanied by a written statement indicating the reasons for clearing of land, removal, relocation or replacement of trees and two (2) copies of a legible site plan drawn to a one (1) inch equals twenty (20) feet scale or to the largest practicable scale indicating the following:

a. Location of all existing or proposed structures, improvements and site uses, property dimensions and referenced to property lines, setback and yard requirements;

b. Existing and proposed site elevations, where any fill or excavation around existing trees is required;

c. Location of existing or proposed utility services in relation to existing trees;

d. The name, common and botanical, size and location of all trees on the site of two (2) inch caliper and six (6) feet in height or more, designating the trees to be retained, removed, relocated or replaced. Groups of trees in close proximity may be designated as "clumps" of trees with the predominant type and estimated number and average diameter noted;

e. Tree information required shall be summarized in legend or tabular form on the plan and shall include the reason for the proposed clearing of land, removal, relocation or replacement;

f. Application involving developed properties may be based on drawings showing only that portion of the site directly involved and adjacent structures and landscaping or natural growth incidental thereto; and

g. That the applicant has made every reasonable effort to incorporate existing trees in the development project and to minimize the number of trees affected;

h. As a condition of any development permit, the eradication of nuisance vegetation (invasive exotic species) is required on all sites, including abutting rights-of-way, during the lot clearing permit process and prior to the issuance of a certificate of occupancy. Privately owned natural areas shall be included in this requirement. All areas obtaining a development permit after the effective date of the ordinance from which this section amendment is derived shall be maintained free of nuisance species. This shall include natural areas within developed property. Any property which has already received site plan approval as of the effective date of the ordinance from which this section amendment is derived shall be exempt from the application of this section provided said site plan approval remains valid and is not amended;

i. A landscape plan and landscape permit application are required for any additions or property improvements over fifty (50) percent of the existing square footage that impact existing required landscaping on the property. The landscape plan shall indicate the eradication of nuisance vegetation (invasive exotic species) required on all sites, including abutting rights-of-way, during the landscape permit process and prior to the issuance of a certificate of occupancy.

j. If the application is being requested for an existing single-family residence within a homeowners' association (HOA) ruled community, the applicant must submit an approval letter from the HOA along with a city tree removal application. HOA approval will not constitute city approval.

D. *Application review.*

1. Upon receipt of a proper application, the city shall review the application which may include a field inspection of the site and may refer the application to such departments as it deems appropriate for review and recommendations.

2. If the application is made in conjunction with development plans submitted for approval, the application will be considered as part of the site plan and no

permit shall be issued without site plan approval.

E. *Issuance.*

1. *Removal.* No permit shall be issued for tree removal unless one (1) of the following conditions exists:
   a. The tree as described above is located in a buildable area, street right-of-way, canal right-of-way, or utility easement where a structure or improvement is to be placed and it unreasonably restricts the use of the property. For the purpose of this subsection, buildable area shall be deemed to include areas necessary for the construction of a pool, accompanying deck, or a patio, but shall not be deemed to include areas necessary for the construction of tennis or other game courts. If certain trees outside the above areas must be removed to allow the operation of equipment, the site plan shall include the exact operation area needed.
   b. The tree is diseased, injured, in danger of falling too close to existing or proposed structures, interferes with utility service, creates unsafe vision clearance or conflicts with other ordinances or regulations.
   c. The tree unreasonably restricts bona fide agricultural use of the property. To qualify under this section, the owner must submit to the city a survey showing all trees as described above to be removed, including their exact location, common and botanical names, and caliper size. Should the owner or any future owner of the property wish to develop the property for some use other than agriculture, a quantity of trees will have to be planted on the site which will equal the cumulative caliper dimension of those desirable trees removed. The planting shall be in addition to the required landscaping as outlined in division 15 of this article. If the required trees do not fit on the approved site, an equal caliper shall be planted on city property at the discretion of city staff or an equivalent value per caliper inch be deposited into the City Tree Trust Fund.
2. *Relocation or replacement.*
   a. As a condition to granting a permit, the city may permit the applicant to relocate or replace a tree being removed at the applicant's expense in lieu of payment of tree removal fee, either within the project site, or in the event that replacement of the tree within the site is not practical, with the concurrence of the city, on public or private land owned by the permit applicant within the city, retaining for future use or donating to any citizen or group of citizens, for any purpose deemed in the public interest by the city commission. A replacement tree shall be a type of species having shade potential and other positive values, at least equal to that of the tree being removed, and shall be a minimum of twelve (12) feet in height when planted. The planted tree shall not be of the nuisance types as defined elsewhere herein. Trees must be relocated or replaced as specified by this section within thirty (30) days of the granting of a tree removal permit; provided, however, if the trees are to be removed to facilitate construction or development activities, said relocation or replacement must be completed prior to the issuance of a certificate of occupancy on the construction, development site or phase of development, as applicable. The trees to be relocated or replaced must be maintained in a healthy growing condition and guaranteed for a period of at least one (1) year.
   b. For tree replacement requirements of one (1) to five (5) trees, a minimum of thirty (30) percent native species shall be utilized as a replacement tree. For six (6) to ten (10) replacement trees required, a minimum of thirty (30) percent native species shall be utilized. For eleven (11) to twenty (20) replacement trees required, a minimum of thirty (30) percent native species shall be utilized. For twenty-one (21) to fifty (50) replacement trees required, a minimum of thirty (30) percent native species shall be utilized. For fifty-one (51) or more replacement trees required, a minimum of thirty (30) percent native species shall be utilized.
3. *Maintenance/monitoring requirements for replaced trees.* Any owner upon whose property the tree replacement activity occurs shall:
   a. Maintain the health of a replacement tree for a period of one (1) year from the date of planting.
   b. Replace within sixty (60) days any replaced tree that dies or is determined to be effectively destroyed within one (1) year of being planted, as determined by the city. The one-year maintenance period shall begin anew whenever a tree is replaced.
4. *Tree replacement for specimen trees.*
   a. A specimen tree approved for removal as provided herein shall be replaced with a quantity of trees to be planted on site equal to the cumulative caliper dimension to the specimen tree removed. Replacement trees will be a minimum of twelve (12) feet in height at time of planting.
   b. In the event the replacement of a specimen tree within the site is not practical, a tree appraisal will be performed by the city landscape architect or the ISA Certified Arborist to determine the dollar value of the specimen tree approved for removal. This appraisal shall be pursuant to the most current "Guide for Plant Appraisal," as amended, by the council of tree and landscape appraisers. The number of replacement trees will be calculated to equal the appraised value of the specimen tree removed. This calculation shall include the purchase price of the replacement tree, plus installation costs. The applicant will be required to compensate the number of replacement trees indicated for the removal of the specimen trees.

F. *Tree bank.* Where a tree is to be removed and will not be relocated or replaced by the permit applicant under the provisions of this chapter, the city shall have the option to relocate the tree at the owner's expense to city-owned property for planting, either for permanent utilization at the new location, or for future use at other city property in lieu of charging a tree removal fee. In these instances said relocation shall be accomplished within a reasonable period of time and in such a manner so as not to unreasonably delay any construction or development within said property.

1. *Tree mitigation.*
   a. *Designated for conservation.* Trees designated for conservation are those trees which have been determined by the city as shown on an approved tree removal/relocation permit or areas within the city which have been determined by Broward County or the City of Parkland as subject to conservation and as stated specifically within the tree removal/relocation permit.

b. *Tree replacement.* The replacement of a removed or damaged tree to compensate for that tree's removal or its damage shall be a tree-for-tree replacement meeting minimum standards as set forth in [this] article 95 of this chapter. The minimums established in [this] article 95 of this chapter for tree planting may not count toward the tree replacement amount established in this section. The replacement species shall be native or trees of similar species to those removed as approved by the city landscape architect.

c. *Tree-for-tree replacement.* The replacement of a removed tree shall be a tree with a minimum of two (2) inches in cumulative trunk diameter at breast height. Where acts of God or other extraordinary circumstances, as identified by the City of Parkland City Commission, Broward County or the State of Florida, create conditions which make this section unduly burdensome will be exempt. The quantity of tree-for-tree replacements (not requiring replacement prior to a certificate of occupancy) must be replaced within the following timeframes:

Number of Required Replacement Trees	Minimum Replacement Timeframe
1—5	30 days
6—15	60 days
16—20	90 days
21+	120 days

d. *Optional cash payment.* An optional cash payment equal to the fair market value of the required replacement trees paid by the applicant after recommendation from the city of engineering department that replacement of trees on site pursuant to this subsection is not feasible.

G. *Tree credit.* Credit shall be given for the off-site planting of trees meeting the definition of equivalent tree replacement required by this section in accordance with the following terms and conditions:

1. A tree planting credit agreement must be executed by the person requesting such credit on a form approved by the city attorney specifying the numbers and location of such trees for which credit is sought.
2. This agreement will specify who may utilize the credit and for which properties. The City of Parkland Engineering Department is responsible for issuing tree removal/relocation permits shall maintain the records of how much credit is currently available on the tree planting credit agreement. This record shall include the name of the individual authorized to use such credit, the location where the credit is used, the amount of credit used, and the resulting balance of credit available.

H. *Bond for tree relocation, replacement.* A bond shall be held by the city for one (1) year to insure tree replacement in the event that tree relocation results in the death of any tree subject to a tree removal/relocation permit or for any tree damaged or destroyed in any pre-development or development activities such as surveying. Such bond amount shall be assessed at the fair market value of the required replacement trees or for tree replacement which cannot be affected prior to issuance of a certificate of occupancy for the underlying project. If the developer/builder desires, it may employ a landscape architect to supply revised bonding amounts for city review and engineering department approval if the landscape architect determines that the trees or palms subject to relocation are unlikely to die as a result of the pre-construction or construction activities. Tree bond amounts of under one thousand five hundred dollars ($1,500.00) are to be guaranteed through a letter of guarantee rather than through a posting of a cash bond.

1. *Tree trust fund or tree bank.*
   a. *Establishment.* A tree trust fund (hereinafter referred to as the Parkland Tree Preservation Account or the "trust") is hereby established as a depository for tree removal fees and penalty monies. Such monies shall be placed in an interest bearing account solely for the purpose of funding tree mitigation projects on public property within the city.
   b. *Term of existence.* The trust shall be self-perpetuating from year to year unless specifically terminated by the city commission.
   c. *Trust assets.* All monies received pursuant to the provisions of this section from public or private concerns shall be placed in trust to insure the use and benefit of the city and its successors and assigns in interest.
2. *Trust administration.* Monies obtained pursuant to this shall be credited to the trust by the city finance department.
3. *Disbursal of assets.*
   a. Expenditures of over twenty-five thousand dollars ($25,000.00) shall require approval of the city commission.
   b. Trust funds shall be used for tree mitigation projects and to obtain trees, landscaping, sprinkler systems and any other items or materials necessary and proper for the preservation, maintenance, relocation or restoration of tree ecosystems, on any public land in the city. With city commission approval, these monies may also be utilized to engage support elements, such as landscape architects and additional personnel if deemed necessary in the opinion of the city manager. These monies may also be used to cover the expense of relocation of trees in the city.
4. *Appeal.* Should any person decide to appeal any staff decision made based on this section can be done so to the planning and zoning advisory board sitting as the Parkland Tree Board.

I. *Tree protection.*

1. During the land clearing and construction stage of development, the developer shall clearly mark all trees to be maintained and shall erect and maintain protective barriers as described in the "Tree Protection Manual for Builders and Developers," by the Florida Department of Agricultural and Consumer

Services, to the "drip line" (wherever practical as determined by the city landscape architect) around such trees or group of trees.

2. General requirements include:
    a. Clear vegetation within the drip line of trees designated for preservation only by hand or with the use of light rubber-wheeled equipment, which will not damage tree roots; said equipment shall be a maximum of forty-eight (48) inches wide, tire to tire, with a maximum weight of thirty-five hundred (3,500) pounds.
    b. Utilize retaining walls and drywells to protect any tree to be preserved from severe grade changes.
    c. Promptly repair any tree designated for preservation pursuant to a tree removal license which is damaged during construction by:
        1. Corrective pruning for damage to tree canopy.
        2. Measures such as corrective root pruning, fertilization, and soil enhancements for damage to tree roots.
        3. The developer shall not allow the movement of equipment or the storage of equipment, materials, or debris or fill to be placed within the protective barrier, unless otherwise specified.
        4. During the construction stage of development, the developer shall not allow the cleaning of equipment or material within the drip line of any tree or group of trees to be maintained. Neither shall the developer allow the disposal of waste material including but not limited to the following: Paints, oil solvents, asphalt, concrete and mortar under the canopy of any tree or group of trees.
        5. During the land clearing and construction stage of development, the city or its assigned officer shall periodically inspect the site to ensure compliance with the provisions of this chapter [article].
        6. Prior to the commencement of any land clearing of real property, the person, organization, association or corporation, or any agent or representative thereof, clearing the land, shall obtain a permit as required in subsection B.

J. *Tree preservation.*
1. The owner shall be responsible for the maintenance and protection of any and all trees on the property.
2. Any tree species which has been declared by resolution of the commission to be a protected tree shall not be removed unless such removal has been approved by resolution of the commission.
3. In order to preserve existing trees which eliminate parking spaces, credit for lost spaces up to ten (10) percent of the required parking may be granted in conjunction with site plan approval.

K. *Exceptions.*
1. If any tree shall be determined by the city landscape architect to be in a hazardous or dangerous condition so as to immediately endanger the public health, welfare or safety, and requires immediate removal without delay, verbal authorization by phone may be given by the city landscape architect and the tree removed without obtaining a written permit as herein required. The cost of tree removal will be borne by the landowner.
2. All licensed plant or tree nurseries shall be exempt from the terms and provisions of this chapter only in relation to those trees planted and growing on the premises of the licensee, which are so planted and growing for the sale or intended sale to the general public in the ordinary course of the licensee's business.
3. Public utilities and utility companies franchised within the city may remove, without permit in time of emergency, trees which endanger public safety and welfare by interfering with utility services, provided such utility companies shall cooperate with the city to preserve such trees by relocation or replacement in the same vicinity or as determined by the city for the best public benefit; except that where such trees are on owner-occupied properties developed for one-family or two-family use, disposition of such trees shall be at the option of the property owner. If installation of new utilities shall require removal of trees, the utility company shall comply with the provisions of this chapter.
4. A permit shall be required for the removal of the following:
    a. Schinus terebinthifolius (Brazilian pepper), Metopium toxiferum (Poison wood), Melaleuca quinquenervia (Cajuput tree), Bischofia javanica (Bischofia Bishopwood), Acacia auriculaeformis (Earleaf Acacia), Aravcaria excelsia (Norfolk Island pine), Brassia actinophylla (Schefflera), Casuarina Species (Australian pine), Leucaena leucocephala (Lead tree), Cupaniopsis anacardiopisis (Carrotwood).
    b. For the removal of any tree or trees which have died due to lightning, disease, storm damage or other natural causes: Prior to removal of any tree the property owner shall notify the city engineering department. However, all trees required by division 15 of this article shall be replaced within ninety (90) days.

L. *Public lands.* No tree shall be removed from any public park or public right-of-way except in accordance with this Code.

M. *Special exception.*
1. Due to the nature of this article, if a situation of hardship arises whereby the strict application of the article cannot be met due to extenuating circumstances, the commission is authorized to grant a special exception to the strict application of the article provided that such special exception shall not nullify the spirit and intent of the article.
2. If storms, accidents or other acts of God create a situation wherein the strict application of this article would be a non-self-imposed hardship, the terms and provisions of this article may be waived by the city commission for a time certain.

N. *Permit fees.*

1. A tree removal permit must be obtained from the city engineering department before commencement of tree removal.
2. A land clearing permit must be obtained from the city engineering department before commencement of any land clearing or construction.
3. Fees are as set by resolution of the city commission on file in the city clerk's office. In addition, the city shall reserve the right to waive permit fees for city projects.

O. *Limitation on land clearing permits.*

1. Any person who receives a land clearing permit pursuant to this article shall remove the debris from land clearing and/or any mulched debris generated by said land clearing permit within thirty (30) days of the land clearing activity.
2. Should any person desire a variance from the provisions of paragraph O.1. above, he/she may appeal to the city commission. The city commission may grant a variance from the strict provision of paragraph O.1. when it finds that the alleged hardship is not self-imposed.

P. *Maintenance of land clearing.* Once a land clearing permit has been issued and the property has been cleared, the property shall be maintained in a cleared state.

(Ord. No. 2015-09, § 2(Exh. A), 9-21-2015; Ord. No. 2019-011, § 2, 10-16-2019)

DIVISION 15. - LANDSCAPING REQUIREMENTS FOR ALL NEW AND EXISTING RESIDENTIAL AND NON-RESIDENTIAL USES

Sec. 95-1505. - Parklike setting.

A. *Parklike setting characteristics.* All applications for site plan approval or building permit shall be reviewed and evaluated to conform to the requirements of a "parklike setting," defined as follows:

1. The landscaping and natural areas of the parcel are the major visual element of the overall design as viewed from the exterior of the parcel. This aspect of the parklike setting requirement shall be the major visual element of the site plan review and it shall be the responsibility of the applicant to submit a landscaping plan which is fully integrated so as to create this effect.
2. The elements of the vegetation, landscaping, water and natural environment are the major visual element of the parcel of land when viewed together with other design aspects.
3. The spatial scale and character of the landscape design shall be visually consistent and proportionate to the intensity and character of adjacent development. Natural vegetative buffers shall project the parklike look to adjacent development.
4. Special design emphasis shall be placed on the landscape enhancement of ingress and egress points and screening of parking areas from public view.
5. Entrances to residential subdivisions and nonresidential developments (e.g., commercial projects) shall be landscaped such that vegetation (e.g., trees and shrubs) is the predominant feature as opposed to any proposed hardscape elements (e.g., walls, fountains, and signs). The appearance of any proposed hardscape elements shall be softened by the planting of vegetation of appropriate scale and mass in front of, behind, and around such elements.

B. *Performance standard.* The parklike setting requirement is a mandatory performance standard that all properties must satisfy. This performance standard takes precedence over the minimum quantitative standards of this division. To implement these parklike setting requirements, the applicant shall meet or exceed all landscaping requirements specified herein. An applicant who has satisfied the minimum standards for quantities and dimensions set forth herein shall be in compliance with this division only if a parklike setting has been achieved, as determined by the city. Accordingly, the city may require additional landscaping in order to ensure creation of a parklike setting as set forth above if the standards contained below do not adequately achieve that effect for the particular application.

(Ord. No. 2015-09, § 2(Exh. A), 9-21-2015)

Sec. 95-1510. - General requirements.

A. *Lawns.* On all developed lots, lawns or other landscape material shall be placed on all areas not covered by main and accessory structures, pavement, and nursery growing areas, horse arenas, and water bodies. Active pastures must be covered by eighty (80) percent natural green vegetation, natural grassy plants or the entire pasture must be screened from view. Hedges, when required, shall be a minimum of twenty-four (24) inches at planting or prior to certificate of occupancy or a bond will be required in the amount of the installed shrub materials. Hedges shall be maintained at a height of between four (4) and five (5) feet. Lawns shall extend to any abutting street pavement edge and to the mean waterline of any abutting canal, lake or waterway (not to exceed thirty (30) feet from said waterline to property line). Landscape material shall be used and installed in such a manner as to allow reasonable maintenance. Where existing bank slopes are steeper than four (4) to one (1), they shall be cut back at the time of construction to result in a slope of four (4) to one (1) or less. No bank slope shall be changed without approval of the city engineer and the appropriate governmental agency responsible for water management.

B. *Sight distance at intersections.* On all lots, sight distance at intersections must be maintained in conformance with the Florida Department of Transportation, Roadway Design Criteria, as amended from time to time. Sight distance designs must be in accordance to the most recent and updated guidelines noted in the State of Florida Manual of Uniform Minimum Standards for Design, Construction and Maintenance for Streets and Highways FDOT Index sheets 546, 1-6 of 6,

Sight Distance at Intersections.

C. *Preservation of existing trees.* On all lots, credit toward meeting the tree requirement of any landscaping provision of this chapter shall be granted for preservation of existing trees based on caliper dimensions. However, in no case can existing trees be used to meet more than fifty (50) percent of required landscaping unless approved by the city landscape architect. No credit will be granted for preserving trees which are poor specimens or which are in poor health or are undesirable species as further defined in Waterwise South Florida Landscapes published by the South Florida Water Management District, which can be obtained at www.sfwmd.gov, and Florida-Friendly Landscaping, F.S. § 373.185, which can be obtained at http://fyn.ifas.ufl.edu.

D. *Berms.* When this article requires a continuous hedge of at least three (3) feet, an earthen berm and fifty (50) percent of the required hedging material may be provided in lieu of the continuous hedge in the manner prescribed below:

1. The continuous berm must be at least fifteen (15) feet in depth and a minimum of three (3) feet in height as measured from the crown of the abutting road except as required in item P.4., below.
2. If a rolling-type berm is used, a minimum 18-inch spread by 24-inch height hedge material must be provided behind or on the berm.
3. Hedging material may be grouped or clustered for accent; however, in no place shall more than nine (9) feet be maintained between plantings.
4. No berm shall be greater than two and one-half (2½) feet in height within ten (10) feet of a right-of-way line or in a visibility triangle, as described in subsection B., to ensure adequate visibility.
5. The maximum slope of a berm shall not exceed three (3) to one (1) to assure proper maintenance.

E. *Preconstruction landscaping.*

1. Within thirty (30) days of the issuance of an infrastructure permit for the construction of water, sewer, paving and drainage for any development within the city, the area requested for the land development permit shall provide preconstruction landscaping. The following roadways shall be included: Riverside Drive, Holmberg Road, Parkside Drive, Hillsboro Boulevard, Mecca Boulevard, Trails End, Pine Island Road, University Drive, Loxahatchee Road, Nob Hill Road, and County Line Road.
2. Preconstruction landscaping shall be defined as follows: A minimum of a four-foot-high earthen berm shall be installed with maximum slopes of four (4) to one (1) along the abutting road rights-of-way abutting the development. The berm shall be natural grass maintained.
3. Exceptions. This subsection does not apply to the following:
   a. The property not adjacent to public rights-of-way for residential developments.
   b. To areas that are screened by natural landscaping that averages a height of four (4) feet or higher.

F. *Pavement offset.* Reference section 135-1190, pavement offset for existing or newly planted trees.

(Ord. No. 2015-09, § 2(Exh. A), 9-21-2015)

Sec. 95-1515. - Perimeter landscape requirements.

A. *Buffer width.* A perimeter landscape buffer of the minimum width prescribed in the table below is required along all boundaries of lots developed or used for any residential, commercial, commercial recreation, community facility, utility or industrial use. When a lot line abuts undeveloped property, the buffer requirement shall be the one that applies to the zoning designation of the abutting property:

Use	Abutting a Major Street [1]		Abutting a City Park or CON Zoning	Abutting Residential Use or Zoning	Abutting Commercial, CR, CF, Utility or Industrial Use or Zoning
	R.O.W. less than 100 ft.	R.O.W. 100 ft. or more			
Residential townhomes or multiple-family	40 feet	45 feet	N/A	20 feet	40 feet
Residential, other [2]	40 feet	45 feet	N/A	N/A	40 feet
Commercial, CR, CF, utility or industrial	40 feet	45 feet	20 feet	50 feet	20 feet

[1] Trafficways, Lox Road, Parkside Drive, Mecca Boulevard and Holmberg Road west of Pine Island Drive.

[2] For residential uses, applies to rear lot lines and to subdivision common areas abutting a trafficway, collector street, OS zoning, or CON zoning. Residential lots and common areas that received city site plan approval without the buffer requirement are not required to provide the buffer after-the-fact.

[3] Includes commercial recreation use.

B. *Buffer landscape and hardscape.*

1. The buffers shall contain three (3) layers of plantings, walls or mounding at three (3) levels to assure opacity. For each buffer of thirty (30) feet wide or less, each one hundred (100) linear feet of landscaped buffer area, shall provide a minimum of four (4) staggered trees, each a minimum of twenty-five (25) feet on center, and a minimum of fourteen (14) feet in height with a minimum of six-foot spread, and six (6) staggered understory trees, each a minimum of six (6) feet in height with a minimum of four-foot spread, (all heights measured at planting) shall be installed or preserved. In addition, a minimum of one hundred (100) shrubs and bushes and fifty (50) groundcover plants or equivalent plant material shall be installed for each one hundred (100) linear feet of landscape buffer area.
2. Each additional ten (10) feet of buffer width or portion thereof, beyond thirty (30) feet shall contain an additional two (2) staggered trees, three (3) understory trees, fifty (50) shrubs and twenty-five (25) groundcover. The trees and understory size minimums will be the same as the in the preceding sentence. Palm species can also be used to create a parklike setting and substituted for the trees at a 3:1 ratio per section 95-1545, installation, maintenance and materials, subsection C.3.e. The plant material shall be placed in such a manner to support a parklike setting. In addition, the landscaping plan shall incorporate a combination of at least two (2) of the following: Mounding, fencing, walls, or supplemental planting, to further promote a parklike setting and to create a visual buffering level between the higher tree canopy and ground cover/shrubs. Screening of parking areas or internal roadways shall be accomplished by a combination of plant materials, opaque fencing, opaque walls, (natural materials wherever possible) mounding, or other landscape materials, installed at a total minimum height of sixty (60) inches above the average grade of the vehicular use area, with at least three (3) feet of flat surface. All requirements are minimums and the city may require additional landscaping in order to create a parklike setting and opaque screening of parking lots and vehicular use areas. Vegetation shall not be planted in straight lines, but designed to create visual interest and depth and to maximize the screening effect for neighboring properties. Additional trees shall be required in locations appropriate to shield adjacent residential areas from lighting fixtures.
3. The required buffer for a nonresidential and nonagricultural development or use adjacent to a residential district or use shall include a continuous, unpierced masonry wall of at least six (6) feet in height, finished on both sides with two (2) coats in cement stucco, painted to match buildings. Alternative screening devices meeting the intent of this section may be approved by the city commission (i.e., fluted block walls, landscaped berms, etc.). This paragraph shall not apply when the nonresidential and nonagricultural development is separated from a residential district or use by a trafficway or a water body with a width of two hundred (200) feet.
4. All building permit applications for buildings or structures abutting a major street, as defined in subsection A, shall be accompanied by a landscape buffer plan, prepared by a registered landscape architect that demonstrates compliance with the regulation of a parklike setting when viewed from the abutting trafficway and as further defined herein:
    a. The landscaping elements and natural areas of the parcel are the major visual element of a balanced overall design as viewed from the exterior of the parcel.
    b. The spatial scale and character of the landscape design shall be visually consistent and proportionate to the intensity and character of adjacent development and shall provide an opaque buffer between the development and adjacent property.
    c. Special design emphasis shall be placed on the landscape enhancement of any ingress and egress points and visual screening of common area parking from public view.

(Ord. No. 2015-09, § 2(Exh. A), 9-21-2015; Ord. No. 2019-011, § 2, 10-16-2019)

Sec. 95-1520. - Vehicular use area interior landscaping.

A. *Applicability.* This section shall apply to parking and other vehicular use areas, except for single-family, two-family and townhouse dwelling units that have individual attached garages and driveway parking.

B. *Amount of interior landscaping required.* Off-street parking areas shall have at least thirty-five (35) square feet of landscaping for each parking space, excluding those spaces abutting a perimeter landscape strip required by other sections hereof, which shall have a minimum of ten (10) square feet of landscaping for each parking space. Other vehicular use areas shall be separated from buildings, structures and property lines by a minimum of ten (10) feet of landscaped open space.

C. *Minimum size and dimensions of interior parking islands.* The minimum size of an interior parking island must be twelve (12) feet wide by sixteen (16) feet deep.

D. *Placement and distribution of landscaped areas.* Landscaped areas shall be located in such a manner as to divide and break up the expanse of paving. Parking islands must be located no further apart than an average of every ten (10) parking spaces across the drive aisle and at the terminus of all rows of parking. All parking islands must be curbed to prevent vehicular encroachment. (See also subsection F. below related to plazas.) If applicable, tree preservation will determine the location and width of interior landscape island locations.

E. *Landscape materials:*

1. A parking island shall include at least one (1) shade tree of an approved species listed in section 95-1545, installation, maintenance and materials, subsection C minimum of fourteen (14) feet in height and six-foot spread at planting, with the remaining area landscaped with shrubs, ground cover, sod or other authorize landscaping material not to exceed three (3) feet in height at planting.
2. All other landscaped areas shall contain at least one (1) tree a minimum of fourteen (14) feet in height and minimum of a six-foot spread at planting. One (1) tree shall be required for every thirty (30) linear feet of interior landscaped area or portion thereof or with at least one (1) tree provided per nine hundred (900) square feet of landscaped area, whichever is greater.

F. *Landscaped plazas.* For commercial developments in excess of two (2) acres, in addition to the above, parking lots shall contain at least one (1) landscaped plaza meeting the following criteria:

1. The plaza shall be at least two (2) percent of the total area of the lot or parcel upon which the commercial development is located; and
2. The plaza shall contain shade trees consistent with the parklike setting requirements set forth in section 95-1505, parklike setting. There shall be at least one (1) shade tree for every thirty (30) feet of the perimeter of the plaza and additional shade trees equaling one (1) shade tree (each at least fourteen (14) feet in height with a six-foot spread at planting) for every four (4) trees as provided for on the perimeter; shrubbery in scale with and complementing the shade trees shall also be provided in the plaza to create a parklike setting; and
3. The plaza shall contain pavers or similar decorative hard surfaces and other architectural features (such as a gazebo, trellis with vines, or other covered area) to compliment the design of the development and create an attractive and harmonious area for patrons of the plaza to gather; and
4. The plaza shall be fully landscaped and sodded (with the exception of the hardscape provided); and
    a. The plaza shall be as centrally located as feasible so that it will be integrated into the commercial center and encourage use by patrons. The plaza may be attached to walkways but shall clearly be an additional area as opposed to store frontage;
    b. Seating to accommodate at least four (4) persons shall be provided.

G. *Landscaping between a VUA and building.* A strip with a minimum width of fifteen (15) feet of pervious landscape area shall be provided between a vehicular use area and a building. Said landscape strip shall be landscaped in the manner prescribed below:

1. A minimum of four (4) trees fourteen (14) feet in height and six-foot spread at planting) and twenty (20) shrubs per one thousand five hundred (1,500) square feet of landscaped area shall be provided. In addition, two (2) small flowering trees with a minimum caliper dimension of two (2) inches shall be provided.
2. Said material may be grouped or clustered to allow design flexibility; however, in no instance shall any building facade be void of landscape material, as required above.
3. The balance of required landscape area shall be covered one hundred (100) percent with other plant material, ground cover, and sod; provided that at least twenty-five (25) percent of the area shall be plant material.

(Ord. No. 2015-09, § 2(Exh. A), 9-21-2015; Ord. No. 2019-011, § 2, 10-16-2019)

Sec. 95-1525. - Screening and special landscaping requirements.

A. *Storage and service areas.* Storage and service areas shall be screened with landscaping and/or fencing or wall materials as specified herein and said areas shall be located so as to be substantially hidden from view from adjacent properties and public rights-of-way at ground level. More than one (1) dumpster will constitute the need for further screening. This includes a wall or hedge and should be screened on a fourth side with a durable gate in accordance with specifications maintained in the planning department. Dumpsters intended for residential use shall have a pedestrian access in accordance with standards maintained with the planning and zoning department. Construction dumpsters are temporary and are not required to be screened as permanent dumpsters are required to be screened.

1. *Screening.* Storage areas, commercial vehicles, construction equipment, dumpsters and mechanical equipment such as air-conditioning compressors, pool pumps, heaters and filters, sprinkler pumps, and electrical transformers shall be screened on at least three (3) sides. Said screening shall meet the minimum requirements provided in this chapter at the time of planting, shall be of size, material, and quality that will grow to exceed the vertical height of the object by at least twelve (12) inches not later than one (1) years after the issuance of the certificate of occupancy and shall be two (2) feet longer in horizontal length than the stored or screened object. Dumpsters shall be screened by a wall and hedge. These requirements are in addition to those required elsewhere in this chapter. In districts AE-1 and AE-2 the screening requirements under this subsection shall apply only when the object is within one hundred (100) feet of a public right-of-way or roadway easement.
2. *Openings.*
    a. Any opening provided for access to dumpsters shall be screened on the fourth side with a durable gate in accordance with specifications maintained in the planning and zoning department.
    b. Any opening provided for access to objects other than dumpsters shall be oriented so as to restrict the view from public rights-of-way. Dumpster enclosures intended for residential use shall have a pedestrian access in accordance with the standards maintained in the planning and zoning department.

B. *Construction-related real estate sales structures.* Landscaping requirements for construction-related structures (structures serving or related to construction

activity), when said structures are utilized for real estate sales, are as follows:

1. *Lot area.* The lot area to be landscaped shall be the area of the sales structure plus the following:
    a. Twenty-five (25) feet immediately in front of the proposed sales location.
    b. Fifteen (15) feet on each side of the proposed sales location.
    c. Minimum lot size shall be five thousand (5,000) square feet.
2. *Landscaping requirements.*
    a. One (1) tree a minimum of twelve (12) feet and a minimum of a five-foot spread for each one thousand (1,000) square feet of landscaped, building, and pavement area or fraction thereof.
    b. Twenty (20) shrubs, for every one hundred (100) square feet of landscaped, building and pavement area or fraction thereof.
    c. A continuous hedge shall be required around all vehicular use areas except at points of vehicular and pedestrian ingress and egress.
    d. All landscaping shall be kept in a healthy growing condition at all times.

C. *Tennis courts.* All tennis courts within the city must be screened on all sides visible from off-site or adjacent properties with:
1. A continuous hedge at least two (2) feet in height at the time of installation and maintained at least three (3) feet in height within one (1) year; and
2. Trees on thirty-five-foot centers at a minimum height of the tennis court fencing. In no case shall trees be located further than twenty (20) feet from court fencing.

D. *Fences (opaque) and walls.* When an opaque fence or wall is located adjacent to a public right-of-way, or contained within or immediately adjacent to the required buffer area, the area between the property line and the fence or wall shall be landscaped in such a manner to support a parklike setting. No continuous expanse of wall which is visible from a right-of-way may continue for a length in excess of seventy-five (75) feet. Required and supplemental plant material including trees, shrubs, vines, ground covers, mounding, or other landscaping materials, or combination thereof, shall, at maturity, provide a visual screening of an average of fifty (50) percent of the linear wall or opaque fence distance. All fences (opaque) or walls shall, in addition to the above, incorporate at least one (1) of the following design features:
1. Horizontal changes in direction at no less than forty-five (45) degrees to the directional plane of the wall;
2. At intervals no greater than fifty (50) feet, vertical columns or structural elements which break the vertical and/or horizontal plane of the adjoining wall surface;
3. Changes in wall materials and/or textures;
4. An open break containing mounding, water features, landscaping, fencing or other landscaping materials; or
5. A minimum ten-foot setback is required on public rights-of-way for a fence or a wall.

E. *Signs.* The landscaped area required by subparagraph 100-1510.A.3.e (article 100, "Signage") shall be planted with a minimum of one (1) shrub per ten (10) square feet of required landscaped area and covered with either sod or ground cover. Any asphalt and road rock shall be removed and the landscaped area refilled with clean, fertile soil before planting.

F. *Display of vehicles and equipment.* All yard areas and areas used for the display or parking of any and all types of vehicles or equipment, whether such vehicles or equipment is self-propelled or not, and all land upon which vehicles traverse the property as a function of the primary use, heretofore referred to as "other vehicular use area," including but not limited to activities of a drive-in nature, such as service stations, grocery and dairy stores, banks, restaurants, new and used car lot, and the like, shall conform to the minimum landscaping requirements herein provided, including areas used for parking or other vehicular uses serving multifamily dwellings.

G. *Lift station and other utility landscaping requirements.*
1. Landscaping requirements for lift stations, Florida Power & Light neighborhood distribution transformers or other electric utilities, telephone switch boxes, and all other aboveground utility equipment or objects used for any of the above-described purposes shall be screened on all sides by hedges, leaving room around the equipment or object to be serviced. Such hedge shall be designed in a manner to completely screen in an opaque manner the equipment from view off-premises. Any opening provided for access to the equipment or object shall be oriented so as to restrict the view from public rights-of-way to the maximum extent feasible. All hedging shall be a minimum of four (4) feet in height from the grade and shall, at time of planting, be maintained at a height which exceeds the height of the equipment or object. Any fencing used around the equipment or object shall be of a color which blends in with the surrounding landscaping (i.e., green).
2. Dead and/or dying trees and limbs or other natural growth which constitute a health or safety hazard to persons or property shall be removed and replaced if required by City Code requirements or site plan approval. Trees shall be kept pruned and trimmed to prevent the occurrence of a health or safety hazard as provided by section 95-1545, installation, maintenance and materials, subsection B.

(Ord. No. 2015-09, § 2(Exh. A), 9-21-2015)

Sec. 95-1530. - Holmberg Road landscaping theme.

A. *Applicability.* The Holmberg Road landscaping theme shall apply directly to land bordering the Holmberg Road right-of-way between NW 61st Avenue and

Riverside Drive through, and including, the intersections.

B. *Purpose and intent.* The intent of this section is to enhance, facilitate, and encourage landscaping of Holmberg Road which has been determined by the city commission to be special and unique in this location in providing a desirable entranceway for the city.

C. *Requirements.* An application for a building permit within the above-described area shall provide a landscaping plan which shall conform with the requirements of a parklike setting as defined in this article, and also provide a landscape buffer area of at least twenty (20) feet minimum and, in addition, shall meet the following requirements along the area abutting Holmberg Road:

1. *Berms.* A berm shall be constructed along the entire length of the landscape buffer and shall be a minimum of four (4) feet above the crown of the adjacent roadway.
2. *Large trees.* A minimum of four (4) large trees for every one hundred (100) linear feet or portion thereof shall be planted at a minimum of fourteen (14) feet in height with a six-foot spread and three (3)-inch caliper at time of planting. Large trees shall be planted no closer than twenty (20) feet on center and no more than thirty (30) feet on center. They shall be maintained to achieve the maximum natural growth habit that will provide a continuous visual screening from the top of the understory trees to the maximum achievable height. The following large trees shall be utilized within the Holmberg Road landscaping theme:

LARGE TREES	
Botanical Name	Common Name
Bauhinia blakeana	Hong Kong orchid
*Bursera simaruba	Gumbo limbo
Cassia fistula	Golden shower
*Clusia rosea	Pitch apple
*Conocarpus erectus	Green Buttonwood
*Cocolloba uvifera	Sea Grape
*Delonix regia	Royal Poinciana
*Ficus citrifolia	Shortleaf fig
Ficus nitida	Cuban laurel
Jacaranda actufolia	Jacaranda
*Lysiloma bahamensis/sabicu	Wild tamarind
*Magnolia grandiflora	Southern magnolia
*Magnolia virginiana	Sweet Bay
*Mastichodendron foetidissimum	Mastic
*Morus ruba	Red Mulberry
*Pinus elliotti	Slash pine
Pongamia pinnata	Pongam
*Quercus nigra	Water oak

*Quercus virginiana	Live oak
*Sapindus saponaria	Soapberry
*Simarouba glauca	Paradise Tree
*Swietenia mahogani	Mahogany
Tabebuia Heterophylla	Pink trumpet tree
*Taxodium ascendens	Pond Cypress
*Taxodium distichum	Bald cypress
* Denotes native plant material	

3. *Understory or medium trees.* A minimum of six (6) understory or medium trees for every one hundred (100) linear feet or portion thereof shall be planted at a minimum of six (6) feet in height with a minimum of a four-foot spread no closer than ten (10) feet on center and no farther than twenty (20) feet on center. Small trees shall be maintained to achieve natural growth habit giving a total continuous screening from top of shrubs or wall to the lower branching structure of large trees. The following understory or medium trees shall be utilized within the Holmberg Road landscaping theme:

UNDERSTORY OR MEDIUM TREES	
Botanical Name	Common Name
*Acacia farnesiana	Sweet acacia
Calophyllum brasiliense	Beautyleaf
Calsistemon ridigus	Upright bottlebrush
Callistemon viminalis	Weeping bottlebrush
*Cassia surratensis	Yellow Cassia
*Chrysobalanus icaco	Cocoplum
*Chrysophyllum oliviforme	Satinleaf
*Citharexylum fruticosum	Fiddlewood
*Coccoloba diversifolia	Pigeon Plum
*Conocarpus erectus sericeus	Silver buttonwood
Cordia boisseri	White Geiger
Cordia sebestena	Red Geiger
Diospyros virginiana	Persimmon
Eriobotrua japonica	Loquat

*Eugenia spp.	Stoppers
*Illex cassine	Dahoon holly
Lagerstoremia indica	Crape myrtle
Ligustrom japonicum	Japanese privet
Murraya paniculata	Orange jasmine
*Myrica cerifera	Wax myrtle
Myrsine quianensis	Myrsine
*Nectandra coriacea	Lancewood
Nerium oleander	Oleander
Noronhia emarginata	Madagascar olive
*Orypetes lateriflora	Guiana Plum
*Piscidia piscipula	Jamaica Dogwood
Plumeria spp.	Frangipani
*Denotes native plant material.	

4. *Shrubs and hedging*. A minimum of one hundred (100) shrubs or hedges for every one hundred (100) linear feet or portion thereof shall be planted at a minimum of thirty-six (36) inches high at time of planting with a minimum of twenty-four (24) inches on center. Shrubs shall be designed in a manner to provide a total continuous opaque screening from top of berm to the lowest branching of the understory or large tree. The following shrub materials shall be utilized in the Holmberg Road landscaping theme:

SHRUBS AND HEDGING	
Botanical Name	Common Name
Alamanda nerifolia	Shrub allamanda
Brassia arboricola	Dwarf schefflera
*Chrysobalanue icaco	Cocoplum
Codiaeum variegatum	Croton
*Conocarpus erectus	Green buttonwood
Conocarpus erectus sericeus	Silver buttonwood
*Eugenia spp.	Upright Eugenia
*Ficus benjamina	Benjamin ficus

*Galphimia gracilis	Thryallis
*Hamelia patens	Firebush
Hibiscus spp.	Hibiscus
*Ilex vomitoria "Schillings"	Yaupon holly
Ixora "Nora Grant"	Dwarf Nora Grant Ixora
Ixora "Tiwanensis"	Tiwanensis Ixora
*Jatgropha hastata	Jatropha
Ligustrum japonicum	Glossy privet
Ligustrum japonicum recurvifolia	Recurve privet
Murraya paniculata	Orange jasmine
*Myrica cerifera	Wax myrtle
Philodendron selloum	Philodendron
Podocarpus macrophyllus	Japanese yew
Rhapis excelsa	Lady palm
Serenoa repens	Saw palmetto
Tibouchina granulosa	Tibouchina bush
*Tripsacum dactyloides "Dwarf"	Dwarf fakahatchee grass
Viburnum oderatiserum	Viburnum
*Viburnum suspensum	Sandakwa Viburnum
* Denotes native plant material	

D. *Existing tree credit.* In review and approval of the landscaping plan, credit toward meeting the tree requirements shall comply with section 95-1010, general requirements - tree removal and tree preservation, for preservation of existing trees.

E. *[Plans for Holmberg Road.]* In review and approval of landscaping plans for Holmberg Road, the city shall follow the plans approved by the city commission as Exhibit "A" of Ordinance No. 92-40, which shall be kept on file with the city clerk's office.

F. *[Existing natural landscaped area to be maintained.]* For any parcel in this portion of Holmberg Road, the landowner shall be required to maintain a minimum of ten-feet-wide existing natural landscaped area, the complete length of the property abutting Holmberg Road, which shall allow the existing vegetation to screen and buffer Holmberg Road development of the parcel.

G. *Removal of landscaping prohibited.* Notwithstanding any other provision in any ordinance to the contrary, removal of any tree, shrub, bush, or grass is prohibited adjacent to Holmberg Road from S.R. 441 to University Drive, from the edge of the roadway for a distance of twenty-five (25) feet from said edge, unless there is a direct replacement or equivalent replacement of vegetation within five (5) feet of any tree, shrub, bush, or grass removed. Replacement vegetation shall be installed in no more than ninety (90) days from the removal of existing vegetation and achieve opaqueness in no more than one (1) year from date of installation.

(Ord. No. 2015-09, § 2(Exh. A), 9-21-2015)

Sec. 95-1535. - Minimum landscape requirements for lots and open spaces.

A. *Applicability.* The requirements of this section apply to all pervious areas other than required buffers (section 95-1515, perimeter landscape requirements) and vehicular use areas (section 95-1520, vehicular use area interior landscaping).

B. *Noncommercial park and recreation areas.* Each lot shall contain a minimum of one (1) tree and twenty (20) shrubs per one thousand (1,000) square feet of that portion of the lot which is not utilized for structures or active-play areas.

C. *Parkland A-1, AE-1 and AE-2 districts.* Each lot shall contain a minimum of twelve (12) trees, six (6) accent trees, one hundred (100) groundcover, and two hundred (200) shrubs per acre, and shall be fully sodded with not less than ten thousand (10,000) square feet of sod; however, natural areas, water bodies, active pastures, and areas under cultivation for crops shall not be included in the acreage calculation for trees and shrubs. Not less than seventy-five (75) percent of the required landscaping shall be located in the front portion of the lot, with the exception of cul-de-sac lots which shall have not less than fifty (50) percent of required landscaping located in the front half of the lot, and corner lots, which shall have seventy-five (75) percent of the required landscaping on the front and street side of the lot. Not less than fifty (50) percent of the required shrub material on Parkland A-1, AE-1, AE-2 and all single-family and two-family lots shall be located as to form foundation plantings. The balance of shrub material may be located throughout the site but should be clustered into groupings to create planting beds. Not more than fifty (50) percent of one (1) species of shrub may be used on a lot to meet the minimum number of required shrubs.

D. *Single-family and two-family lots, all other districts.*

1. Each lot with less than an average of seventy (70) feet of lot width shall contain in the required yard areas a minimum of three (3) trees, two (2) accent trees, sixty (60) shrubs and sixty (60) groundcover.
2. A minimum of three (3) palms (or one (1) triple palm) and one (1) small canopy or two (2) accent trees shall be placed in the front yard.
3. Each lot with more than an average of seventy (70) feet and less than one hundred feet (100) of lot width shall contain in the required yard areas a minimum of five (5) trees, four (4) accent trees, seventy-five (75) shrubs, seventy-five (75) groundcover, plus one (1) tree, one (1) accent tree and twenty (20) shrubs for each two thousand (2,000) square feet of lot area over twelve thousand (12,000) square feet, or portion thereof.
4. Each lot with more than an average of one hundred (100) feet of lot width shall contain in the required yard areas a minimum of six (6) trees, six (6) accent trees and one hundred (100) shrubs, seventy-five (75) groundcover, plus one (1) tree, one (1) accent tree and twenty (20) shrubs for each two thousand (2,000) square feet of lot area over twelve thousand (12,000) square feet or portion thereof. Not less than sixty (60) percent of the required landscaping shall be planted in the front portion of the lot, with the exception of cul-de-sac lots which shall have not less than forty (40) percent of required landscaping in the first half of the lot, and corner lots, which shall have seventy-five (75) percent of the required landscaping on the front and street side of the lot. A minimum of one (1) main tree, one (1) accent tree, and twenty-five (25) shrubs, in addition to minimum landscape requirements, shall be planted in the rear yard area.

E. *Common area open space landscaping requirements for single-family, two-family and townhouse residential developments:*

1. All areas not included in lots, buffers, rights-of-way, canals, or lakes shall have one (1) tree for every one thousand (1,000) square feet of area.
2. Selected areas should provide passive recreation, playgrounds, pedestrian connectivity, visual terminuses, sitting areas, or access to water bodies.

F. *Multifamily developments.* Each lot shall contain an overall minimum of one (1) tree and twenty (20) shrubs, twenty (20) groundcover per two thousand (2,000) square feet of lot area, including fractions thereof, but excluding water bodies and natural areas. No lot shall contain fewer than five (5) trees and one hundred (100) shrubs, fifty (50) groundcover. These minimum requirements are exclusive of other landscaping specified for vehicular use areas, buffers and other special purposes.

G. *Use of palms in residential developments.* A maximum of thirty-five (35) percent of the required trees may be palm trees meeting the minimum requirements of section 95-1545, installation, maintenance and materials, subsection C.3.e.

H. *Commercial, industrial, utility, and community facility developments.* In addition to perimeter landscape buffer requirements for all property lines pursuant to section 95-1515, perimeter landscape requirements, all lots shall contain an overall minimum of one (1) tree, fifteen (15) groundcover, and twenty-five (25) shrubs for every five thousand (5,000) square feet, including fractions thereof, but excluding water bodies and natural areas. Minimum tree and plant material requirements are in addition to other landscaping specified for vehicular use areas, buffers, and other special purposes. A maximum of fifty (50) percent of the required trees, excluding buffers and perimeter plantings, may be palms meeting the minimum requirements of section 95-1545, installation, maintenance and materials.

(Ord. No. 2015-09, § 2(Exh. A), 9-21-2015; Ord. No. 2019-011, § 2, 10-16-2019 ; Ord. No. 2020-009, § 2(Exh. A), 9-14-2020)

Sec. 95-1540. - Street trees.

A. *Planting required prior to occupancy.* Street trees shall be installed by the permit holder prior to the request for a final landscape/zoning inspection, and prior to the issuance of certificate of occupancy. Where rights-of-way widths cannot accommodate planting within the rights-of-way, such trees shall be required to be planted within the adjacent landscape buffer or private land at the city's direction. All street trees required by this section shall be installed in the designated canopied protection area.

B. *Authorized trees.* The variety and species of street trees shall be canopy trees approved by the city landscape architect from the selection in section 95-1545, insta maintenance and materials, subsection C.3, or as may be approved during the site plan approval process or building permit where site plan approval is not requir Where overhead utility lines exist, tree species acceptable to Florida Power and Light Company (F&PL) "Plant the Right Tree in the Right Place" shall be required, pu to section 95-1550, right tree-right place. Street tree species are to provide a consistent theme with surrounding properties.

C. *Spacing of trees.* Street trees shall be required at one (1) tree for each forty (40) linear feet of street frontage, on each sides of the roadway, or portion of, except that where overhead utility exist, spacing shall be reduced to one (1) tree per thirty (30) linear feet of street frontage. Developments requiring site plan approval shall also provide one (1) tree per each forty (40) feet of median length, where medians adjacent to the site plan. Street trees may be clustered; however, trees shall be planted no closer than twenty-five (25) feet from each other, and no farther than sixty (60) feet apart.

D. *Minimum height.* Where overhead utility lines do not exist, street trees shall be a minimum of fourteen (14) feet in height with a spread of at least six (6) feet and a caliper dimension of no less than three (3) inches at the time of planting, measured four and one-half (4½) feet above the top of the root ball. Where overhead utility lines do exist, street trees shall be a minimum of ten (10) feet in height with a spread of at least four (4) feet and a caliper dimension of no less than two (2) inches at the time of planting, measured four and one-half (4½) feet above the top of the root ball.

E. *[Root barrier.]* For all street tree green areas less than ten (10) feet in width, provide "Bio-barrier" or an equal root barrier. The root barrier shall be installed along the sidewalk side of the green area with a minimun depth of nineteen (19) inches and a minimum length of fifteen (15) feet, measured seven and one-half (7.5) feet from either side of the center (trunk) of the tree.

F. *Alternative compliance.* Street tree requirements on residential and park sites having a significant mature tree canopy may be waived, partially or in full, if the following conditions are met:

1. Existing trees to be preserved on site having a minimum three-inch caliper dimension may be used to meet the street tree requirements provided they are located within the first fifteen (15) feet from the edge of the road pavement.
2. Required street trees may also be provided in the form of existing trees located in the front yard area beyond a depth of fifteen (15) feet from the edge of the road pavement. However, credit for such existing trees will be limited on the basis that three (3) trees of six (6) inches caliper dimension or more are required in lieu of one (1) street tree.
3. Additional trees required to meet the street tree requirements must be planted within the right-of-way or road access easement areas in accordance with the requirements of this section.
4. Trees retained in front yard areas, in lieu of street trees, are subject to code enforcement provisions. Maintenance and retention of these trees is the responsibility of the property owner.
5. Refer to section 135-1190, offset for existing and newly planted trees for required pavement offsets.

(Ord. No. 2015-09, § 2(Exh. A), 9-21-2015; Ord. No. 2019-011, § 2, 10-16-2019)

Sec. 95-1545. - Installation, maintenance and materials.

A. *Installation.* All landscaping shall be installed in a sound, workmanlike manner and according to accepted good planting procedures, with the quality of plant materials as hereinafter described. All elements of landscaping, exclusive of plant materials, shall be installed so as to meet all other applicable ordinances and code requirements. All trees shall be planted in a prepared planting area of at least twenty-five (25) square feet. Required landscaped areas shall be protected from vehicular encroachment in commercial, industrial, and multifamily developments, by continuous curbing placed at least two (2) feet from the edge of such landscaped areas. Wheelstops are permitted in lieu of curbing at the head of parking stalls. The city landscape architect, city engineer, or his/her agents, shall inspect all landscaping and no certificate of occupancy or similar authorization will be issued unless the landscaping meets the requirements herein provided. All living plant materials installed on private property pursuant to this article shall be irrigated with an automatic underground irrigation system, except in estate, recreation and open space and agricultural districts, or as otherwise exempted. Said system shall provide irrigation in a manner so as not to cause staining of structures and pavement, and shall provide one hundred (100) percent coverage with a minimum fifty (50) percent overlap or otherwise result in the effective irrigation of the landscaped area.

B. *Maintenance.* The owner shall be responsible for the maintenance of all landscaping located in areas where landscaping is required by this division, including fence lines, landscaped portions of rights-of-way to the pavement's edge, swales, and canal banks to the mean water line, in accordance with the following standards:

1. Keep landscaping reasonably free of insects and disease and appropriately irrigated to enable landscaping to be in a healthy growing condition.
2. Mow, trim or prune landscaping in a manner and at a frequency appropriate to the use made of the material and species on the site so as not to detract from the appearance of the general area. Mow lawn areas in a manner and at a frequency as to not be overgrown to exceed a height of six (6) inches.
    a. Any shrubs or hedge to be located near a sidewalk, path, or trail must maintain a minimum of a three-foot clearance from the edge of the sidewalk, path or trail.
3. Pruning, trimming, and other maintenance:
    a. Trees shall be pruned or trimmed in accordance with ISA (International Society of Arboriculture) Standards for Tree Pruning and the Broward County Guidelines for Tree and Palm Pruning, and shall not be altered in any manner resulting in tree abuse. No stubbing, hatracking or lollipopping shall be

allowed. The natural growth pattern of the species shall remain intact after pruning, with the exception of topiary pieces and hedges.

b. Any person contracting to move, remove, prune, trim, repair, or perform tree surgery upon a tree, shall do so in conformance with the current edition of ANSI-A-300 for tree trimming and ISA standards. Vehicles used by tree service/arborist operating within the city shall be clearly marked with the name of the tree service/arborist. A photocopy of the occupational license shall be available for inspection on each job site.

c. Any tree improperly pruned will be subject to removal, replacement and where applicable, tree mitigation. Tree mitigation for trees over ten (10) inches in caliper that have been improperly pruned will be replaced with an equal amount of caliper inches. The trees will be installed on site, in common areas or in designated areas on city property. In instances where tree mitigation is not feasible, a monitory contribution to the city tree trust fund can be made. The value of the tree mitigation fees will be determined using the International Society of Arboriculture Guidelines for Tree Appraisals.

4. Maintain all landscaping to minimize property damage and public safety hazards, including removal of low-hanging branches next to sidewalks and walkways, and removal of root systems which show evidence of destroying public or private property, and maintenance of sight distance standards as set forth elsewhere in this chapter.
5. Maintain all required irrigation systems in a good operating condition.
6. All trees and other plant material shall be maintained in terms of quality, height, spread, and species as required elsewhere in this chapter; provided that no hedge within a residential development shall exceed twelve (12) feet in height on a parcel of land in excess of one (1) acre in area, nor ten (10) feet in height on a parcel of land that is one (1) acre or less in area (cross-reference: Section 15-6030, hedge height). All hedges shall be maintained by the person on whose property the hedge trunk is planted and shall be neatly trimmed and maintained. All landscaping (including grass) required to be installed shall be regularly maintained by the owner of the property that was required to plant said landscaping or that did plant the landscaping. Said maintenance shall be on a regular basis, shall require replacement of unhealthy trees, shrubs and groundcover, proper spraying and trimming, cutting and all other activities normally required to maintain the landscaping in a good and well-trimmed condition.
7. Dead and/or dying trees and limbs or other natural growth which constitute a health or safety hazard to persons or property shall be removed and replaced if required by city Code requirements or site plan approval. Trees shall be kept pruned and trimmed to prevent the occurrence of a health or safety hazard.
8. Unless a governmental body has specifically assumed maintenance responsibilities, it shall be the responsibility of the owner of the property abutting a swale or water bank area to maintain said swale or water bank area. The swale or bank area shall be kept free of all debris and shall be landscaped and maintained in accordance with the landscape code of the city.
9. Crime Prevention Through Environmental Design (CPTED) and Florida-Friendly Landscape Principles and Guidelines shall be incorporated as applicable.

C. *Plant material.*

1. Plant material used to comply with provisions of this chapter shall conform to the standards for Florida No. 1 or better, as noted in the latest edition of the "Grades and Standards for Nursery Plants," State of Florida, Department of Agriculture, Tallahassee, Florida, or equal thereto. Plant material species shall be chosen from the sources listed in paragraph 3.a. below. Grass sod shall be clean, free of weeds and pests or diseases. Grass seed shall be delivered to the job site in bags with Florida Department of Agriculture tags attached, indicating the seed grower's compliance with the city department's quality control program.
2. The number of different species of trees and accent trees required shall be as follows:

Required Number of Trees	Minimum Number of Species
1—3	1
4—8	2
9—30	3
31—60	4
61 and over	5

3. Trees, palms, shrubs and groundcover palette selection:

a. A minimum of fifty (50) percent of the required trees shall be native to South Florida and selected from the most current South Florida Edition of "Waterwise", published by the South Florida Water Management District (SFWMD), which can be obtained at www.sfwmd.gov. All other plant material utilized shall be indigenous to South Florida or selected from Florida-Friendly Landscaping, F.S. § 373.185, which can be obtained at http://fyn.ifas.ufl.edu.

b. A minimum of fifty (50) percent of the required interior trees on a lot shall be an installed size relating to the structure height as follows, unless otherwise s

Structure Height (feet)	Tree Height (feet)	Spread (feet)	Palm Height (feet)
To 15	12—14	5	14—18
16—25	14—16	6	18—22
26—35	16—18	7	22—28
36 or more	18—20	8	22—28

c. Single-family, two-family and townhouse developments: Trees shall be a minimum of twelve (12) feet overall height immediately after planting, with a spread of at least four (4) feet and a minimum caliper dimension of two (2) inches measured at a point four and one-half (4½) feet above ground level, unless otherwise specified. Accent trees shall a minimum of six (6) feet overall height, with a minimum of four (4) foot spread, immediately after planting.

d. Multifamily, business, industrial, community facility, and utility development, as well as parks: unless otherwise provided herein, trees shall be a minimum of twelve (12) feet overall height immediately after planting, with a spread of at least five (5) feet and a minimum caliper dimension of two (2) inches measured at a point four and one-half (4½) feet above ground level.

e. Palms having an average mature crown spread of less than twelve (12) feet may be substituted for trees by grouping these palms in groups of three (3), so as to create the equivalent of a twelve-foot crown spread. Palms that have a minimum of five (5) feet of clear trunk or a caliper dimension of six (6) inches at a point at least eighteen (18) inches above the root ball and achieve a twelve-foot crown spread singularly, or when grouped in threes, may be counted one (1) for one (1) as trees complying with the provisions of this chapter. If palms are so used, they shall make up no more than twenty-five (25) percent of the total required trees, unless noted otherwise.

f. Shrubs shall have a minimum height of eighteen (18) inches with a spread of eighteen (18) inches, when measured immediately after planting.

g. Hedges, where required, shall be planted at twenty-four (24) inches on center and maintained so as to form a visual screen. Shrubs used as hedges shall be Florida Department of Agriculture Grade No. 1 or better, with a minimum height of twenty-four (24) inches and a minimum spread of eighteen (18) inches when measured immediately after planting. Where larger material is used, spacing may be increased and planted so as to provide a continuous barrier, but not so close as to be detrimental to the plant material.

4. Grass areas shall be planted with an approved species that is certified disease and insect free for South Florida. Lawn areas shall be sodded; however, lawns may be seeded or sprigged with approval of the city landscape architect. Sod provided must be viable, reasonable free of weeds, and capable of growth and development. In general, sod strips shall be aligned with tightly fitted staggered joints and no overlap of butts or sides. Subgrade of lawn area after finished grading shall be reasonably free of all stones, sticks, roots and other matter prior to the placement of sod. New lawns shall be watered immediately after planting and shall be maintained in a living condition.

5. Ground covers and mulch used in lieu of grass, in whole or in part, in natural areas shall be planted or laid in such a manner as to present a finished appearance and complete coverage. Except in agricultural and estate districts, and parks, ground covers in lieu of grass areas are subject to the approval of the city landscape architect pursuant to section 95-1575, variances.

(Ord. No. 2015-09, § 2(Exh. A), 9-21-2015; Ord. No. 2019-011, § 2, 10-16-2019)

Sec. 95-1550. - Right tree—Right place.

A. *General provisions.* All trees within thirty (30) feet of overhead utility lines, installed after the effective date of this section are required to be in compliance with this section. The mature height and width of a tree to be planted shall not exceed the available overhead growth space. Available overhead growth space is defined as the available space for the canopy of a tree to attain the natural height and growth habit at time of the tree's maturity.

B. *Nonconforming trees.* Existing trees not in accordance with this section shall be brought into compliance with this section by corrective or remedial pruning within one (1) year of the effective date of the ordinance from which this section is derived; if this cannot be performed without removing more than twenty (20) percent of the tree's canopy, pruning shall not be required. In such cases, the owner may remove the tree in accordance with section 95-1010, general requirements - tree removal and tree preservation. To correct nonconforming trees the city shall offer expedited permit review and shall not charge a permit fee. If the tree is removed, it shall be replaced within three (3) months of such action and in accordance with this section. Specimen trees or other trees which chapter 27 of the Broward County Code prohibits from being removed in these circumstances shall not be subject to removal.

C. *Overhead utilities.* Tree selection shall be chosen from the most current FPL (Florida Power and Light) Public Brochure for Right Tree - Right Place which can be found at www.FPL.com/trees. Trees planted adjacent to overhead utility lines, such as street trees, must comply with the following regulations:

1. Small trees (other than palms) less than twenty (20) feet [in] height at maturity may be planted adjacent to but not under power lines.
2. Medium trees (other than palms) twenty (20) feet to thirty (30) feet [in] height at maturity shall be planted twenty (20) feet back from power lines.
3. Large shade trees (other than palms) greater than thirty (30) feet [in] height at maturity shall be planted thirty (30) feet back from power lines.
4. Small palms less than twenty (20) feet in height at maturity may be planted adjacent to but not under power lines.
5. Large palms greater than twenty (20) feet in height at maturity shall be planted at the average palm length plus two (2) feet for clearance from power lines.
6. Distance from overhead utility lines shall be measured from the ground directly under the point where any utility line crosses overhead.
7. To the extent of any conflict with section 95-1540, street trees, then this section shall apply.

D. *Requirements.* All businesses which perform tree pruning services are required to obtain a Broward County Tree Pruning License that meets the following requirements:

1. Training in correct pruning practices such as those endorsed by the International Society of Arboriculture (ISA).
2. Proof of adequate liability insurance.
3. Documentation of adequate workers' compensation insurance.
4. Documentation of compliance with pertinent OSHA safety regulations.
5. Proof of a valid Broward County Tree Trimming License.

(Ord. No. 2015-09, § 2(Exh. A), 9-21-2015)

Sec. 95-1555. - Removal of existing plant material.

A. In instances where healthy plant material exists on a site, and is to be retained, the city landscape architect may adjust the application of the minimum requirements to allow a maximum of fifty (50) percent credit for a consideration of such plant material, if such an adjustment is in keeping with and will preserve the intent of this division. In such cases, a survey as provided in section 95-1010, general requirements - tree removal and tree preservation, subsection C., shall be provided to the building department specifying the species, approximate height and caliper dimension, as well as the location and condition of any plant material used as a basis for requesting this adjustment. Any adjustment shall be based on unique circumstances applicable to the lot in question with the object of such adjustment being to preserve existing vegetation or to maintain a tree canopy.

B. No existing desirable or protected plant material shall be destroyed or removed, without tree removal and land permits as described elsewhere in this chapter, unless such plant material creates an immediate danger to the public safety through disease, damage or the like. This section shall not apply to exotic species such as Brazilian pepper or Melaleuca.

C. Any vegetation that encroaches onto or destroys public property, or without permission private property, or limits visibility through the public right-of-way shall be removed from the property at the landowner's expense.

(Ord. No. 2015-09, § 2(Exh. A), 9-21-2015)

Sec. 95-1560. - Modification of existing landscape buffers.

A. *Restricted areas.* No person shall remove or excessively trim, or hat-rack, any landscaping within any buffer abutting or adjacent to Holmberg Road, Parkside Drive, Riverside Drive, University Drive, Pine Island Road, Hillsboro Boulevard, Nob Hill Road, Mecca Boulevard, State Road 7 or Loxahatchee Road and Trails End, without first obtaining a permit for such removal or excessive trimming from the city.

B. *Requirements for permit.* No permit shall be granted unless the applicant provides a plan, signed and sealed by a registered landscape architect, which plan provides for additional landscaping which will assure that there shall be no decrease in the opacity of the landscaping on the buffer and that the opacity provided for in the landscaping plan shall be comparable to that existing on the buffer at the time the permit is sought. The city commission must approve any such plan prior to issuance of the permit.

C. *Fee.* The city commission does hereby impose a fee of two hundred fifty dollars ($250.00).

D. *Violation.* Any violation of this section shall be punishable by a fine of up to five hundred dollars ($500.00). A violation of this section shall be considered to be the removal or excessive trimming of the landscaping referred to herein within the buffer, as well as each day thereafter that the buffer continues to exist with the removed or excessively trimmed or hat-racked landscaping, as prohibited in this section so that the fine shall be five hundred dollars ($500.00) per day.

(Ord. No. 2015-09, § 2(Exh. A), 9-21-2015)

Sec. 95-1565. - Plan approval.

A. *Plan required.* Prior to the issuance of a building permit, a landscape plan prepared by a landscape architect, registered in the State of Florida, or other person authorized pursuant to F.S. ch. 481, pt. II, as amended, shall be submitted to and approved by the city landscape architect, or agents thereof, subject to the review and approval of such other agencies as may be deemed advisable.

B. *Scale, contents.* The landscape plan shall be drawn to a one (1) inch equals twenty (20) feet scale minimum, or as required by the city, to clearly show the design

intent, including dimensions, areas and distances, and clearly delineate the existing and proposed parking spaces or other vehicular use areas, access aisles, driveways, sight visibility triangles (using grayscale), utility and drainage easements, coverage of required irrigation systems, water outlet locations and the location and size of buildings. On projects of more than five (5) acres in size, the applicant may request verbal approval from the city landscape architect that plans be drawn at a smaller scale.

C. *Tabulations.* The plan shall also designate on the plan and in tabular form, the quantity by name, size and location, of the plant material to be installed, or if existing, to be used in accordance with the requirements hereof. No permit shall be issued for such building unless such landscape plan complies with the provisions herein. The landscape plan shall be legible and drawn to a suitable scale to show required information and shall include tabular data regarding the number of required and provided trees, shrubs and groundcovers.

(Ord. No. 2015-09, § 2(Exh. A), 9-21-2015; Ord. No. 2019-011, § 2, 10-16-2019)

Sec. 95-1570. - Nonconforming sites.

No existing properties shall be permitted to increase the degree of nonconformity as it pertains to this chapter. Wherever developments have required landscaped areas, said areas are to conform to this chapter.

A. Existing development shall have one (1) year from the date of adoption of the ordinance from which this chapter is derived to conform as required above.

B. This section does not require removal of healthy plant material.

C. This section does not require meeting the native species ratio set forth elsewhere in this chapter.

D. This section does not require meeting pervious or open area requirements contained in this chapter.

E. Failure to comply with this section shall be a violation of this chapter.

(Ord. No. 2015-09, § 2(Exh. A), 9-21-2015)

Sec. 95-1575. - Variances.

A. *Intent.* The city recognizes that there may be situations where flexibility in species specification, quantity or design may be considered desirable by the city in order to provide a "park-like setting," particularly in cases where special circumstances or natural features make literal application of this division a hardship, and an alternate landscape plan may be a reasonable alternative.

B. *Scope of relief.* The city commission, may approve or, approve with conditions, a variance from the species, height, spread, or quantity, design or location of landscape material (including street trees or lawn area) required by this chapter based upon the circumstances described in subsection A., and a showing by the applicant that the alternate proposal which varies from minimum requirements of this division meets or exceeds the requirement of a "park-like setting," as defined in this chapter.

C. *Process.* The applicant shall follow the variance procedures set forth in article 55, division 5, variances, except as provided in this section. The application shall be reviewed by the planning and zoning board, sitting as the Parkland Tree Board, which shall make a recommendation to the city commission.

D. *Criteria.* The criteria listed below shall replace the criteria of section 55-530, variance standards, guidelines and review criteria:

1. There are special and unique conditions which create an undue hardship, which conditions do not apply generally to other types of trees or other properties;
2. Any alleged hardship is not self-created;
3. The variance sought is the minimum required to alleviate the hardship;
4. The granting of the variance shall be in harmony with the general intent and purposes of this division, and specifically section 95-1505, parklike setting;
5. The variance sought shall be compatible with the natural landscaping existing within the surrounding area.

(Ord. No. 2015-09, § 2(Exh. A), 9-21-2015)

Sec. 95-1580. - Penalty.

Any person who shall violate any provisions of this article or fail to comply therewith or with any other requirements hereof shall, upon conviction thereof, be subject to a fine not to exceed five hundred dollars ($500.00), and each day said violation shall exist or be permitted to exist shall constitute a separate offense. Further, with respect to trees, each incident involving each tree shall be considered a separate violation of this article punishable by a fine not to exceed five hundred dollars ($500.00).

(Ord. No. 2015-09, § 2(Exh. A), 9-21-2015)

Sec. 95-1585. - Parkland tree board.

A. The planning and zoning board of the city shall enforce the terms of this section and sit as the Parkland tree board.

B. The Parkland tree board shall have as its duties and responsibilities to study, investigate, council and develop as well as promote the care, preservation, pruning, planting, replanting, removal or disposition of trees and shrubs in parks, recreation, and open space as well as along streets and thoroughfares and in

other public areas. The board, when requested by the city commission, shall consider, make finding, report and recommend upon any special matter of question being within the scope of its jurisdiction.

(Ord. No. 2015-09, § 2(Exh. A), 9-21-2015)

Sec. 95-1590. - Arbor streets.

A. *Designation criteria.* An arbor street shall be a street designated by the city commission, as set forth herein, based upon the existence of extensive vegetation bordering the street. For designation as an arbor street, the vegetation must be dense in character, contain vegetation or trees in excess of fifteen (15) feet in height for substantial lengths of the road, and creates a rural feel for significant lengths of the road. The city does hereby find that Holmberg Road is an arbor street for its entire length within the city. Other streets may be designated as arbor streets by resolution of the city commission, provided the city makes a specific finding that the requirements set forth above have been met.

B. *Effect.* Where a street has been designated as an arbor street, no vegetation of any type whatsoever shall be removed from the right-of-way for the arbor street without the specific permission of the city.

C. *Permit procedure for removing landscape material.* Said permission must be granted by the city commission after review by the planning and zoning board. All applications shall first be reviewed by the city landscape architect, who shall make a recommendation with regard to the application. The city shall process any completed application within ninety (90) days of submittal. This provision may be waived by the city manager in cases deemed to be a public emergency. No removal shall be permitted, notwithstanding the fact that there exists in the area an exotic species which would normally be unregulated if the removal of that species or, any other species, would cause the character of the vegetation along the arbor street to be materially changed. The standard for granting permission for a private party to remove vegetation outside of the right-of-way shall be whether the removal of the vegetation shall cause these to be a material diminution in the amount, size, density or quality of this vegetation bordering the road and whether there are commitments to replace the vegetation which maintains the rural and vegetated feel of the road. Replacement buffer shall be installed in no more than ninety (90) days from removal and achieve opaqueness in no more than one (1) year from date of installation.

D. *Trimming restrictions.* Unless approved by the city landscape architect in writing, no trimming of vegetation on the right-of-way of an arbor street or within fifteen (15) feet of an arbor street or any undertaking which has the effect of threatening the health of the vegetation on the arbor street or in the case of trees in excess of fifteen (15) feet of height reduces the height of said tree by more than ten (10) percent or, in the opinion of the city landscape architect, is not necessary for the health of the tree. In the case of shrubbery, no trimming of shrubbery in excess of six (6) feet in height may be undertaken which reduces the height of said shrubbery by more than one (1) foot or, in the opinion of the city landscape architect, endangers the health of the shrubbery. The city landscape architect shall provide application forms for obtaining permission to undertake the trimming herein prescribed. The standard for granting permission for a private party to trim vegetation outside of the right-of-way shall be whether the removal of the vegetation shall cause these to be a material diminution in the amount, size, density or quality of vegetation bordering the road, whether there are commitments to replace the vegetation with vegetation which maintains the rural and vegetated feel of the road.

E. *Violations.* Any violation of this article shall be punishable by a fine of five hundred dollars ($500.00) or sixty (60) days in prison. Where a violation occurs, each day that the violation continues to exist without immediate remedial action aimed at prompt restoration of the previous condition, shall be considered a separate violation of this article, punishable by a five hundred dollar ($500.00) fine.

(Ord. No. 2015-09, § 2(Exh. A), 9-21-2015)

Sec. 95-1595. - Temporary relief from landscape standards.

A. *Scope of relief.* The time for installation of landscaping required by this article may be temporarily extended, in individual cases, by the planning and zoning director in accordance with this section. Where acts of God or other extraordinary circumstances, as identified by the City of Parkland City Commission, Broward County or the State of Florida, create conditions which make their immediate application unduly burdensome, the temporary relief from landscape requirements, as approved by the landscape plan, shall be for a limited period of time not to exceed ninety (90) days from the date of agreement issuance.

B. *Application for relief.* An application of temporary relief from landscape standards shall be submitted prior to the final landscape inspection request, accompanied by a landscape plan, identifying the plantings that have been postponed, the proposed planting schedule and the costs of the suspended planting. Planting cost estimates may be independently verified by the City of Parkland Planning Department at the applicant's expense. The hourly landscape plan review fee will be applied for all review and cost estimate verification.

C. *Surety.* Pending the review of the application of temporary relief from landscape standards, the property owner shall enter into an agreement, as approved by the city attorney, with the City of Parkland to allow issuance of the permit, certificate of occupancy or certificate of completion, only if the property owner provides adequate guarantee or surety that the terms of this section are met. The guarantee shall consist of a performance bond or other surety acceptable to the city attorney in an amount equal to one hundred twenty-five (125) percent of the direct costs of materials, labor and any other costs, as determined by the city landscape architect, for completing the installation of the required landscaping. Performance bonds or other guarantees required pursuant to this section shall name the City of Parkland as a beneficiary and specify the time frame for the completion of the landscape installation. If the owner defaults under the

agreement, the city may access the bond and hold the proceeds for the purposes of doing the work where access to the property will be required, or as a penalty at the city's sole discretion. Additionally, the fact that the city accepts the bond and keeps the funds as a penalty shall not relieve the owner from the obligation to comply with the landscape requirements, and the city may prosecute the owner for failure to comply with those requirements.

(Ord. No. 2015-09, § 2(Exh. A), 9-21-2015)

Sec. 95-1600. - Synthetic turf.

A. Synthetic turf may be permitted on properties used for residential, commercial or recreational purposes, subject to the requirements and procedures set forth in this section.

B. Synthetic turf permitted on properties used for residential purposes shall only be permitted to be installed in the side and rear yards only, except that synthetic turf may be installed in the spaces of a driveway pattern of a driveway located in the front or side yard.

C. Synthetic turf shall comply with all of the following design standards and shall:

(1) Simulate the appearance of live turf, organic turf, grass, sod or lawn, as determined by the city, and shall have a minimum eight-year "no fade" warranty.

(2) Be of a type known as cut pile infill with pile fibers of a minimum height of one and three-quarters (1.75) inches and a maximum height of two and one-half (2.5) inches.

(3) Have a minimum face weight of seventy-five (75) ounces per square yard.

(4) Be manufactured from polyethylene monofilament, dual yarn system, and manufactured in the United States.

(5) Have backing that is permeable.

(6) Be lead free and flame retardant.

D. Synthetic turf shall comply with all of the following installation standards and shall:

(1) Be installed in a manner prescribed by the manufacturer.

(2) Be installed over a subgrade prepared to provide positive drainage and an evenly graded mass of compacted, porous crushed rock aggregate material that is a minimum of four (4) inches in depth.

(3) Not adversely affect drainage of adjacent properties, rights-of-way, or overall drainage of the site or development in which it is located.

(4) Be anchored at all edges and seams.

(5) Not have visible seams between multiple panels.

(6) Have seams that are joined in a tight and secure manner.

(7) Have an infill medium consisting of clean silica sand or other mixture, pursuant to the manufacturer's specifications or as approved by the city engineer, that shall:

a. Be brushed into the fibers to ensure that the fibers remain in an upright position;

b. Provide ballast that will help hold the turf in place;

c. Provide a cushioning effect; and

d. Be installed so that no irrigation affects the synthetic turf.

E. Synthetic turf shall comply with all of the following maintenance standards and shall:

(1) Be maintained in an attractive and clean condition, and shall not contain holes, tears, stains, discoloration, seam separations, uplifted surfaces or edges, heat degradation or excessive wear.

(2) Be maintained in a green fadeless condition and free of weeds, debris, and impressions.

F. The following uses are prohibited:

(1) Synthetic turf installed in public or private rights-of-way or swales.

(2) Synthetic turf installed in drainage easements or lake maintenance easements.

(3) Synthetic turf treated as a filler for landscaping that is not part of a planned element of landscaping.

G. The installation of synthetic turf on properties other than a single-family detached residential property shall first require approval of the community appearance board.

H. All uses of synthetic turf shall require a building permit. The building permit application shall include, at a minimum, all of the following information:

(1) A complete landscape plan showing the area of synthetic turf; area of living plant material; the square footage and percentage of synthetic turf; and, area and method of separation between living plant material and synthetic turf.

(2) Details regarding existing or proposed irrigation proximate to the synthetic turf.

(3) Brand and type of synthetic turf, including all manufacturer specifications and warranties.

(4) A scaled cross section and details of the proposed materials and installation, including but not limited to subgrade, drainage, base or leveling layer, and

infill.

I. Synthetic turf installation. Synthetic turf that is installed in conformance with the provisions contained in this section shall be considered a pervious surface, but shall not exceed ten (10) percent of the total pervious area of a lot or parcel on which the turf is installed for residentially used property; and ten (10) percent of the total required pervious area of a lot or parcel on which the turf is installed for non-residentially used property.

(Ord. No. 2020-016, § 3, 11-18-2020)

ARTICLE 100. - SIGNAGE

DIVISION 5. - GENERALLY

Sec. 100-510. - Scope, purpose, and intent.

A. *Scope.*

1. The provisions of this article shall govern the number, size, location, and character of all signs which may be permitted either as a main or accessory use under the terms of this article. No signs shall be permitted on a plot or parcel either as a main or accessory use except in accordance with the provisions of this article.
2. This article does not regulate government signs on government property, including, but not limited to, city signs on property owned by the city, the county or the State of Florida, and traffic control devices.
3. In the event of any conflict between this article and any declaration of covenants, bylaws, or other restrictions applying to any property within the city, the language affording the more restrictive interpretation shall apply.
4. The city specifically finds that these sign regulations are narrowly tailored to achieve the compelling and substantial governmental interests of traffic safety and aesthetics, and that there is no other way for the city to further these interests.

B. *Purpose.*

1. *Florida Constitution.* Article II, Section 7 of the Florida Constitution provides that "[i]t shall be the policy of the state to conserve and protect its natural resources and scenic beauty..." A beautiful environment preserves and enhances the desirability of the city as a place to live and to do business. Implementing the Florida Constitution is a compelling governmental interest.
2. *Florida Statutes.* Florida law require cities to adopt comprehensive plans and implement them through land development regulations (also known as zoning regulations) and approval of development orders that are consistent with the comprehensive plan. See F.S. ch. 163, pt. II. Florida law specifically requires that the city adopt sign regulations. See F.S. 163.3202(2)(f). Complying with state law is a compelling governmental interest.
3. *City comprehensive plan.* The city's comprehensive plan has numerous provisions that require the city to ensure the aesthetic character of the city and to ensure traffic safety on roads within the city through the regulation of signs, as set forth in detail below. Implementing the city comprehensive plan is a compelling governmental interest.
   a. *City comprehensive plan elements.* The existing land use conditions in the city are described in the city's comprehensive plan as follows: "Parkland is largely residential in nature with some commercial development along SR 7/US 441 and near the old City Hall site (located on Parkside Drive). The City is characterized by its semirural, upscale single-family neighborhoods and comparatively high average income and home values." According to the transportation element, "Growth and Development Activity," the city "is an upscale residential community with small scale commercial villages located in the northwest corner of Broward County. The City is made up of approximately 11.14 square miles, which is primarily residential with a few small areas of institutional, commercial and agricultural land uses scattered throughout... Due to the semi-isolated location of the City in proximity to the surrounding roadway network, through traffic has been and will continue to be discouraged while the mobility of City residents is promoted." The city also provides for the non-vehicular transportation needs of its residents and visitors, as described in "existing pedestrian, bicycle and horse facilities," "Schools, libraries, parks, shopping places, employment centers, and bus stops often generate pedestrian and bicyclist traffic. To maintain the mobility of a multimodal transportation system, it is important that the City of Parkland have a well-connected system for pedestrians, bicycles and horses, along with the existing roadway system. The City of Parkland is working to develop and maintain a thorough network of multi-use trails that serve pedestrians, bicyclists and horses. The multi-use trails are essentially six-foot wide, paved, meandering trails, which are set back a substantial distance from vehicular roadways. The city plans to expand and maintain the multi-use trail system throughout the city. The existing multi-use trail system is shown on Map 3-8."
   b. *City comprehensive plan goals, objectives and policies.* Several goals, objectives and policies of the city's comprehensive plan require the city to maintain its scenic beauty and traffic safety through its land development regulations and actions:

      GOAL I. Growth And Development In Parkland Should Be Planned To Achieve A Quality Community Which Is Sensitive To The Uniqueness Of The City's Environment, Continues The City's Semi-Rural Character, And Yet Provides For The Full Needs Of Its Residents.

Objective 1.1: Future growth and development will be managed through the implementation and enforcement of land development regulations in accordance with Chapter 163 F.S. Annually, review development permits to determine if those permits and their effects on the City's infrastructure are consistent with policies 1.1.1 through 1.1.3.

Policy 1.1.1: Land development regulations will, at a minimum: ...

f) Regulate signage; ...

Policy 1.1.4: The City shall ensure that all new development is compatible with the character of the City and with adjacent zoning, development and uses, and issue no development orders or permits deemed to be incompatible with the character of the City and with adjacent zoning, development and uses.

Policy 1.1.5: The City shall establish a policy framework/foundation upon which land development regulations addressing signage may be based by December 2008.

Objective 1.3: The City will ensure that land uses found to be inconsistent with the Community's character will not be permitted. Annually, review development within the City to determine any uses or development inconsistent with the community's character.

Policy 1.3.3: Commercial development should emphasize planning of the total site as a whole in a cohesive form and linear or strip commercial sites will not be allowed. All commercial development shall be consistent with the architectural standards adopted by the City and shall be designed so as to be compatible with neighboring uses, developments, land uses and zoning.

Policy 1.3.10: Preserve the character of existing residential neighborhoods: the BBB Ranches, Pine Tree Estates, Cypress Head, Country's Point, Riverside Acres and Cypress Trails, and all new developments.

Policy 1.3.14: The City's Land Development Codes and Regulations shall protect existing and planned residential areas including single-family neighborhoods, from disruptive land uses and nuisances.

Policy 1.7.4: The City shall review for and require development which will maintain and facilitate a park like setting when appropriately designating land use categories or reviewing for land development permits.

Policy 1.7.5: The City shall implement Land Development Regulations which require all non-single-family residential development and all non-residential developments to be designed in a park-like setting.

Policy 2.3.5: Principles and criteria for guiding the location of special residential housing shall include compatibility of housing with surrounding residential or non-residential uses, proper access to the site to ensure the adequacy of existing or proposed road systems, aesthetic controls of both signage and architecture to alleviate negative inconsistency impacts upon adjacent areas, security concerns of the proposed facilities, proper buffering through site plan review based on the traffic intensity of the activities at the facility, and proximity guidelines to ensure adequate distances between facilities.

GOAL 3: A Safe, Convenient And Efficient Motorized And Non-Motorized Transportation System Shall Be Available For All Residents And Visitors To The City, Which Minimizes Through Traffic Within The City And Does Not Negatively Impact Residential Development.

Objective 3.1: The City's transportation system will emphasize safety, efficiency and aesthetics and protection of residential areas.

Policy 3.1.4: The City shall adopt and enforce criteria for landscaping and signs along roadways. All roadways adjacent to residential development shall be heavily buffered.

Objective 3.5: The City will utilize all possible methods to discourage and prevent external traffic flow through the City, through Holmberg Road, or Riverside Drive. Holmberg Road shall remain a local two lane road whose primary aim will be to serve the residents of the City. All attempts to widen Holmberg Road shall be discouraged and resisted. Vehicular use of Riverside Drive shall terminate at Holmberg Road and Riverside Drive shall remain a four lane road. All attempts to widen or extend Riverside Drive as a vehicular thoroughfare north of Holmberg Road shall be discouraged and resisted. Consider right-of-way north of Holmberg Road in the former Riverside Drive extension for use as non-vehicular recreational thoroughfare. Annually, review the transportation system to determine if any actions have been approved which promote through traffic within the City.

Policy 8.1.26: To enhance its rural image and flavor, the City shall consider the adoption and implementation of a uniform signage plan for all City parks, recreation facilities, and multipurpose trails.

4. *Caselaw.* In accordance with the U.S. Supreme Court's cases on sign regulation, the regulations in this article are not intended to regulate or censor speech based on its content or viewpoint, but rather to regulate the secondary effects of speech that may adversely affect the City's substantial and compelling governmental interests in preserving scenic beauty and community aesthetics, and in vehicular and pedestrian safety in conformance with the First Amendment. These cases and their holdings include, but are not limited to:

a. *Reed v. Town of Gilbert,* ___U.S.___, 135 S. Ct. 2218, 192 L. Ed. 2d 236 (2015) on the topic on noncommercial temporary signs;
b. *Metromedia, Inc. v. City of San Diego,* 453 U.S. 490 (1981) on the topic of commercial signs and off-premise signs;
c. *City of Ladue v. Gilleo,* 512 U.S. 43 (1994) on the topic of political protest signs in residential areas;
d. *Linmark Assocs., Inc. v. Township of Willingboro,* 431 U.S. 85 (1977) on the topic of real estate signs in residential areas;
e. *Burson v. Freeman,* 504 U.S. 191 (1992) on the topic of election signs near polling places;
f. *Central Hudson Gas & Electric Corp. v. Public Service Commission,* 447 U.S. 557 (1980) on the topic of regulation of commercial speech; and
g. *City Council v. Taxpayers for Vincent,* 466 U.S. 789 (1984) on the topic of signs on public property.

5. *Impact of sign clutter.* Excessive signage and sign clutter impairs the legibility of the environment, and undermines the effectiveness of governmental signs, traffic control devices and other required signs (such as nameplate sign, noncommercial onsite directional sign, identification sign, onsite or on-premises wayfinding sign, and warning sign) that are essential to identifying locations for the delivery of emergency services and other compelling governmental purposes. The intent of these sign regulations is to enhance the visual environment of the city, ensure that city residents and visitors can safely navigate through the city to their intended destinations, and promote the continued well-being of the city. It is therefore the purpose of this article to promote aesthetics and the public health, safety and general welfare, and assure the adequate provision of light and air within the city through reasonable, consistent and nondiscriminatory standards for the posting, displaying, erection, use, and maintenance of signs that are no more restrictive than necessary to achieve these governmental interests.
6. *Specific legislative intent.* More specifically, the sign regulations in this article are intended to:
   a. Encourage the effective use of signs as a means of communication in the City;
   b. Maintain and enhance the scenic beauty of the aesthetic environment and the city's ability to attract sources of economic development and growth;
   c. Ensure pedestrian and traffic safety;
   d. Minimize the possible adverse effect of signs on nearby public and private property;
   e. Foster the integration of signage with architectural and landscape designs;
   f. Lessen the visual clutter that may otherwise be caused by the proliferation, improper placement, illumination, animation, excessive height, and excessive area of signs which compete for the attention of pedestrian and vehicular traffic and are not necessary to aid in wayfinding;
   g. Allow signs that are compatible with their surroundings and aid orientation, while precluding the placement of signs that contribute to sign clutter or that conceal or obstruct adjacent land uses or signs;
   h. Encourage and allow signs that are appropriate to the zoning district in which they are located, consistent with and serving the needs of the land uses, activities and functions to which they pertain;
   i. Curtail the size and number of signs to the minimum reasonably necessary to identify a residential or business location, and the nature of such use, and to allow smooth navigation to these locations;
   j. Establish dimensional limits and placement criteria for signs that are legible and proportional to the size of the lot and building on which the sign is to be placed, or to which it pertains;
   k. Regulate signs so that they are effective in performing the function of identifying and safely directing pedestrian and vehicular traffic to a destination;
   l. Preclude signs from conflicting with the principal permitted use of the lot and adjoining lots;
   m. Regulate signs in a manner so as to not interfere with, obstruct the vision of, or distract motorists, bicyclists or pedestrians;
   n. Except to the extent expressly preempted by state or federal law, ensure that signs are constructed, installed and maintained in a safe and satisfactory manner, and protect the public from unsafe signs;
   o. Preserve, conserve, protect, and enhance the aesthetic quality and scenic beauty of all zoning districts of the city;
   p. Allow for traffic control devices and government signs without regulation consistent with national standards, because they promote highway safety and efficiency by providing for the orderly movement of road users on streets and highways, and by notifying road users of regulations and providing nationally consistent warnings and guidance needed for the safe, uniform and efficient operation of all elements of the traffic stream and modes of travel, while regulating private signs to ensure that their size, location and other attributes do not impair the effectiveness of such traffic control devices;
   q. Protect property values by precluding, to the maximum extent possible, signs that create a nuisance to the occupancy or use of other properties as a result of their size, height, illumination, brightness, or movement;
   r. Protect property values by ensuring that the size, number and appearance of signs are in harmony with buildings, neighborhoods, structures, and conforming signs in the area;
   s. Regulate the appearance and design of signs in a manner that promotes and enhances the beautification of the city and that complements the natural surroundings in recognition of this city's reliance on its natural surroundings and beautification efforts as a source of economic advantage as an attractive place to live and work;
   t. Classify and categorize signs by type;
   u. Not regulate signs more than necessary to accomplish the compelling and substantial governmental objectives described herein; and

v. Enable the fair and consistent enforcement of these sign regulations.

(Ord. No. 2015-18, § 2, 11-18-2015)

Sec. 100-520. - Definitions.

A. *Terms defined.* For the purposes of this article, the following words and phrases shall have the meanings herein set forth. Any term that is used in this article and not defined herein shall have the meaning given to it by section 22-4 [5-3530] of this chapter:

Abandoned or discontinued sign or sign structure. A sign or sign structure is considered abandoned or discontinued when its owner fails to operate or maintain a sign for a period of six (6) months or longer. The following conditions shall be considered as the failure to operate or maintain a sign: (i) a sign displaying advertising for a product or service which is no longer available or displaying advertising for or identification of a business which is no longer licensed, or (ii) a sign which is blank.

Advertise or *advertising* means any form of public announcement intended to aid directly or indirectly, in the sale, use or promotion of a commercial product, commodity, service, activity or entertainment.

Animated sign means a sign which includes action, motion, or color changes, or the optical illusion of action, motion, or color changes, including signs set in motion by movement of the atmosphere, or made up of a series of sections that turn, or emits smells or noises.

Artistic monument sign means a monument sign that exhibits unique, dimensional, creative and innovative methods of design, lighting, materials or construction that are above the typical sign industry standard.

Awning means a roof-like cover, often made of fabric, metal or glass, designed and intended for protection from the weather or as a decorative embellishment, and which projects from a wall or roof of a structure over a window, walk, door or the like.

Banner means a sign that cannot be considered a flag, having characters, letters or illustrations, if any, applied to cloth, paper, plastic, or fabric of any kind, with only such material for backing.

Billboard means a structure utilized for advertising a commercial establishment, activity, product, service or entertainment which is sold, produced, manufactured, available or furnished at a place other than on the property on which said sign is located.

Box or cabinet sign means a sign, the face of which is enclosed, bordered or contained within a box-like structure, frame or other device.

Changeable copy sign means a sign that is designed so that characters, letters or illustrations can be changed or rearranged manually or electronically without altering the face or the surface of the sign. A changeable copy sign is not an animated sign.

Commercial message means any sign wording, logo, or other representation or image that directly or indirectly names, advertises, or calls attention to a product, service, sale or sales event or other commercial activity.

Copy means the linguistic or graphic elements of a sign.

Entrance wall feature means a freestanding, decorative wall constructed of masonry, stone or other material approved by the city commission that is integrated into the landscape alongside a vehicular entrance to a development to bring attention to the entrance. An entrance wall feature does not function as a barrier or screen.

Flag means any fabric or bunting containing distinctive colors, patterns, or symbols, used as the symbol of a government, political subdivision, or other entity.

Flashing sign means a sign which permits lights to be turned on or off intermittently more frequently than once per minute.

Footcandle means the unit of measure expressing the quantity of light received on a surface. One (1) footcandle is the illuminance produced by a candle on a surface one (1) foot square from a distance of one (1) foot.

Footlambert means the centimeter gram second unit of brightness equal to the brightness of a perfectly diffused surface that radiates or reflects one (1) lumen per square centimeter.

Freestanding sign means a self-supported structure attached to the ground, and not attached or fixed in any way to a building, entrance wall feature, or any other structure.

Graphic element means a letter, illustration, symbol, figure, insignia, or other device employed to express and illustrate a message or part thereof.

Identification sign means a sign used to identify the name of a residential subdivision, or nonresidential development, business, organization or other nonresidential occupant of a premises, and the street address. Identification signs are not used to advertise services and goods provided.

Illuminated sign means any sign having characters, letters, figures, designs or outlines illuminated by electric lights or luminous tubes designed for that purpose, whether or not the lights or tubes are physically attached to the sign.

Internal illumination means a light source concealed or contained within the sign which becomes visible by shining through a translucent surface.

Marquee sign means a sign attached to or hung from a canopy or covered structure projecting from, and supported by a building, when such canopy or covered structure extends beyond the building, building line, or property line.

Master development plan means a complete and exact plan for the development of property which shall indicate existing site features, existing roadways, location, type and intensity of land uses, interior vehicular circulation system and designation for common open space, recreational and similar areas.

Master-planned residential development means any residential development for which the city commission has approved a master site plan or master development plan, or which otherwise has common areas that are owned, managed and maintained under unified control.

Monument sign means a permanent freestanding sign with a supporting structure that is architecturally and aesthetically integrated into the overall design of the sign.

Nameplate sign means a sign indicating the name or address or both of a person or persons residing on the premises, or legally occupying the premises. A nameplate sign for a premises in a nonresidential, nonagricultural district may also indicate the use located at the premises.

Noncommercial message means any message which is not a commercial message.

Noncommercial on-site directional sign means an on-site sign providing direction or information to pedestrian or vehicular traffic that is related or reasonably necessary to the movement of pedestrian or vehicular traffic on the premises, and not displaying a commercial message, e.g., "entrance," "exit," "caution," "no parking," "one-way only," "no trespassing," and the like.

Nonconforming sign means a sign or advertising structure existing within the city limits on the date the ordinance from which this chapter derived became effective or a sign or advertising structure existing in an area annexed to the city after the above effective date which by its height, type, material, square foot area, location, use, or structural support does not conform to the requirements of this chapter.

On-site or *on-premises* means objects located within the bounds of the relevant property or building, including any appurtenant sidewalks, walkways, patios, and landscaped areas.

On-site or *on-premises wayfinding sign* means:

(i) A sign typically located along a vehicular entranceway, sidewalk or walkway within a commercial development, which identifies businesses in said development; and

(ii) A sign located along a street or pedestrian path within a master-planned residential development, which identifies the location of neighborhoods and major amenity areas within the development.

Permanent sign means any sign which, when installed, is intended for permanent use. For the purposes of this chapter any sign with an intended use in excess of twelve (12) months from the date of installation shall be deemed a permanent sign.

Pole sign means a permanent ground sign with a visible support structure, such that the sign face and support structure do not appear as one (1) solid monolithic appearance, or otherwise having a support structure that is not architecturally integrated into the overall design of the sign, but not including a flag on a flagpole.

Projecting sign means a sign attached to and supported by a building or other structure and which extends at any angle and projects not more than eighteen (18) inches from the structure upon which it is constructed or attached. Projecting sign shall not be interpreted to include an "under-canopy sign".

Real estate sign means a temporary sign erected by the owner, or his agent, indicating real property which is for rent, sale or lease.

Revolving or rotating sign means any sign that revolves or rotates.

Roof sign means a sign erected over or on the roof, extending above the roofline, which is dependent upon the roof, parapet or upper walls of any building for support.

Sandwich-type sign means a movable sign not secured or attached to the ground.

Sign means and includes every device, frame, letter, figure, character, mark, plane, point, design, picture, logo, stroke, stripe, trademark, or reading matter, which is used or intended to be used to attract attention or convey information when the same is placed out of doors in view of the general public. Also, the above, when inside of a building in such a way as to be in view of the general public through a window or door from an abutting collector or arterial roadway and used or intended to be used to attract attention or convey information. This term shall not be interpreted to include traffic control device signs.

Sign area means a square foot area enclosed by the perimeter of the sign face. When a sign, composed of letters only is designed to be compatible with a particular architectural style, the sign area is the sum of the area of the smallest contiguous rectangles or circles capable of containing one (1) letter. In all other cases, the area is enclosed by the perimeter line enclosing all letters.

Sign face means the part of the sign that is or can be used for communication purposes.

Sign painting means the act of taking a specific kind of brush, and with various kinds of paint, and applying it to a two- or three-dimensional surface creating letters, forms and/or symbols.

Snipe sign means a sign which is tacked, nailed, posted, pasted, glued, or otherwise attached to trees, poles, stakes or fences, or to other objects with the message appearing thereon not applicable to the present uses of the premises or structures upon which such sign is located.

Temporary sign means any sign intended for use not permanent in nature. For the purposes of this chapter, any sign with an intended use of twelve (12) months or less shall be deemed a temporary sign.

Thoroughfare, primary means any of the following roads within the City of Parkland: State Road 7; Pine Island Road; University Drive; Nob Hill Road; Hillsboro Boulevard; and Lox Road.

Thoroughfare, secondary means any of the following roads within the City of Parkland; Holmberg Road; Trails End; and Parkside Drive.

Traffic control device sign or *traffic control device* means any sign located within the right-of-way and that is used as a traffic control device and described and identified in the Manual on Uniform Traffic Control Devices approved by the Federal Highway Administration as the National Standard and as may be revised from time to time. A traffic control device sign includes those signs that are classified and defined by their function as regulatory signs (that give notice of traffic laws or regulations), warning signs (that give notice of a situation that might not readily be apparent or that poses a threat of serious injury (e.g., gas line, high voltage, condemned building, etc.) or that provides warning of a violation of law (e.g., no trespassing, no hunting allowed, etc.)), and guide signs (that show route designations, directions, distances, services, points of interest, and other geographical, recreational, or cultural information). See City of Parkland's Standard Signing and Striping Details Manual, Sheets 1 through 3 for specific signs and regulatory pavement markings. These devices are not regulated as signs under this article.

Under-canopy sign means a sign suspended beneath an awning, canopy, ceiling, roof or marquee.

Uniform sign program or plan means a comprehensive set of regulations and restrictions governing the location, number, type, size, height, color, and style of signs in a commercial development.

Vehicle sign means a sign that is temporarily or permanently affixed to a vehicle, whether parked or in transit, that is used primarily for advertising. Such a sign on a vehicle that is regularly used in the conduct of the business or endeavor advertised on the vehicle, or for the purpose of providing transportation for owners or employees of the occupancy advertised on the vehicle, shall not be considered a vehicle sign under this definition.

Wall sign means a sign which is approximately parallel to and supported by any wall or other enclosure.

Private warning sign means a sign which provides warning of a dangerous condition or situation that might not be readily apparent or that poses a threat of serious injury (e.g., gas line, high voltage, condemned building, etc.) or that provides warning of a violation of law (e.g., no trespassing, no hunting allowed, etc.).

Wind sign means a sign, which uses objects or material fastened in such a manner as to move upon being subjected to pressure by wind. This shall include pennants, ribbons, spinners, streamers or captive balloons, but shall not include a flag on an allowed flagpole or mounted at the entrance of a building.

Window sign means a sign located on a window or within a building or other enclosed structure which is visible from the exterior through a window or other opening.

(Ord. No. 2015-18, § 2, 11-18-2015)

Sec. 100-530. - Nonconforming signs that are damaged or that are in need of repair.

If any nonconforming sign is damaged by any cause or is otherwise in need of repair to such an extent that the cost of repairing the sign is equal to fifty (50) percent or more of the original cost of the sign, then its classification as a "nonconforming" sign under this section shall be automatically revoked and the sign shall either be removed or repairs shall be made to the sign so that the sign shall meet all the requirements of this article.

(Ord. No. 2015-18, § 2, 11-18-2015)

Sec. 100-540. - Substitution of noncommercial speech for commercial speech; content-neutrality as to sign message.

A. Notwithstanding anything to the contrary contained in this article, any sign permitted by this Code may be permitted to substitute or change the lettering on said sign face to convey noncommercial messages as often as the person owning or in control of the sign wishes, provided that all other criteria of this Code relating to design criteria, size, setbacks, etc., are satisfied.
B. Notwithstanding anything to the contrary contained in this article, no sign or sign structure shall be subject to any limitation based solely upon the content of the message contained on such sign or displayed on such sign structure.

(Ord. No. 2015-18, § 2, 11-18-2015)

Sec. 100-550. - Prohibited signs.

Any sign found posted or otherwise affixed upon any public property contrary to the provisions of this article shall be removed by the department of public works or public safety department. The person responsible for any such posting shall be liable for the cost incurred in the removal thereof, and the city is authorized to effect the collection of said cost.

The following are those signs which are prohibited and which shall not be installed or displayed within the municipal limits of the city:

A. Animated signs.
B. Permanent sandwich-type signs.
C. Snipe signs.
D. Permanent banner signs.

E. Exposed neon tubes or bare bulb signs placed in geometric forms to outline structures, roofs, windows or doors in such a manner as to attract attention.

F. Permanent signs illuminated from outside the boundaries of the sign, where the bulb or other source of light within any lighting fixture is visible from any abutting right-of-way or any adjacent property, or otherwise not shielded, designed, oriented or a combination of these as appropriate to obscure the light source from view and minimize glare.

G. Roof signs.

H. Billboards.

I. Box or cabinet signs.

J. Vehicle signs with a total sign area on any vehicle in excess of ten (10) square feet, when the vehicle:

1. Is parked for more than sixty (60) consecutive minutes within one hundred (100) feet of any street right-of-way;
2. Is visible from the street right-of-way that the vehicle is within one hundred (100) feet of.

K. Projecting signs.

L. Pole signs.

M. Painted wall signs and any signs not conforming to the size limitations in section 100-1530, permanent signs: location, or the other applicable standards of this article.

N. Flashing signs.

O. Any sign located in a sight visibility triangle.

P. Off-premises signs.

Q. Abandoned signs.

R. Wind signs.

S. Inflatable balloons displaying advertising.

T. Revolving or rotating signs.

U. Signs that emit audible sound, odor, or visible matter, such as smoke or steam.

V. Signs that cover, interrupt or disrupt the major architectural features of a building.

W. Signs that resemble any official sign or marker erected by any governmental agency, the position, shape or color of which would conflict with the proper functioning of any traffic sign or signal, or the size, location, movement, color or illumination of which may be reasonably confused with, construed as, or conceal a traffic control device, thereby creating a safety hazard.

X. Words and symbols associated with traffic control on signs that are not traffic control devices and that interfere with, mislead or confuse traffic, such as, but not limited to, "stop," "look," "caution," "danger" or "slow," thereby creating a safety hazard.

Y. All other signs that are not specifically permitted or exempted in this sign code.

(Ord. No. 2015-18, § 2, 11-18-2015)

Sec. 100-560. - Variances.

A. Due to the diversity of the city, it is recognized that the regulations provided herein cannot address all situations pertaining to signs. The city commission is therefore empowered to grant variances from the provisions of this article upon petition filed with the city manager's office after recommendation by the planning and zoning board.

B. A variance to this article may be granted as to the physical characteristics of a sign where the variance is not contrary to the public interest; and, owing to special conditions, a literal enforcement of the provisions of this article will result in unnecessary hardship; however, no variance shall be granted by the city commission which has the effect of allowing a sign prohibited by section 100-550.

C. Each petition shall include a fee as adopted by resolution of the city commission for administrative expenses incurred in the processing of the petition, shall be in writing, and shall state with specificity the grounds upon which the petitioner bases his claim upon which the variance has been requested.

D. Within fifteen (15) days following the receipt of the written petition for a variance and the payment of the fee, the city manager or his/her designee shall determine whether the petition is complete, or shall return an incomplete petition to the applicant. Upon each resubmittal of a corrected petition, the city manager or his/her designee shall have ten (10) days to determine whether the petition is complete. This process shall continue until the applicant has submitted a complete application or demands that the petition be reviewed as is, without further revisions. If the applicant fails to provide additional information as requested or respond with a time when the information will be submitted within sixty (60) days of the request, the petition shall be deemed to have been withdrawn by the applicant. The applicant is entitled to one sixty-day extension upon request, provided that the request is made prior to the expiration of the sixty-day period.

E. Within five (5) days of the determination of completeness or an applicant's demand for review of the petition as submitted, the city manager or his/her designee shall cause the complete petition for variance to be scheduled as an agenda item for the planning and zoning board at a meeting to be held within thirty (30) days of the receipt of the written petition, and the planning and zoning board shall make a recommendation as to the variance at that meeting,

unless the applicant consents to an extension of time for the board's consideration.

F. Within thirty (30) days of the consideration of the planning and zoning board, or forty-five (45) days in the event that revisions to the written petition are requested or recommended by the board or the city manager, the city manager shall then cause the petition to be considered by the city commission together with the recommendation of the planning and zoning board.

G. The city manager or his/her designee shall cause notice of the public hearing to be sent to the applicant and to all the owners of real property within five hundred (500) feet from the boundary of the real property involved in the application for relief.

H. The city commission shall render a decision in writing within ten (10) days after the scheduled hearing on the petition. If the petition for the variance is granted, the city commission shall cause a resolution to be made stating the terms and conditions upon which the variance has been granted and shall cause a copy of the resolution to be made a part of the municipal records of the city. If the petition for variance is denied, the city commission shall state in writing the reasons therefor.

(Ord. No. 2015-18, § 2, 11-18-2015)

Sec. 100-570. - Violations.

The building official of the city or his/her designee shall be authorized to enforce the provisions of this article and pursuant to this authorization shall be empowered to cause citations to be issued for all violations of this article.

(Ord. No. 2015-18, § 2, 11-18-2015)

Sec. 100-580. - Flagpoles and flags in all zoning districts.

A. *Residential districts.* Except for residential lots of record which are over two (2) acres in size, there shall be one (1) flagpole allowed per parcel or lot of record for the display of flags. For residential parcels greater than two (2) acres, two (2) flagpoles shall be permitted. The maximum size of any flag is twenty-four (24) square feet. Flags attached to an angled pole attached to a building shall not exceed fifteen (15) square feet. No flags of any commercial nature may be displayed within any residential districts.

B. *Maximum height.* Except as set forth herein, the maximum height of the flagpole in any residential zoning district shall not exceed twenty-five (25) feet.

C. *Commercial, industrial, open space and community facility districts.*

1. Within all commercial, industrial, open space/recreation, and community facility zoning districts, buildings under forty thousand (40,000) square feet in size and located on a plot under five (5) acres, up to two (2) flagpoles may be erected per property owner containing one (1) flag per flagpole only or one (1) flagpole containing no more than two (2) flags may be erected. The maximum height of a flagpole shall not exceed twenty (20) feet. The property owner can substitute the flagpole and attach no more than two (2) flags to the property owner's building. The maximum size of any one (1) flag shall not exceed twenty-four (24) square feet. Flags attached to an angled pole attached to a building shall not exceed fifteen (15) square feet. The location of any flagpole or flag must be identified on a site plan prior to receiving a building permit and may be no higher than the roofline of the first floor of the building. No flags of any commercial nature may be displayed within these districts.

2. Within all commercial, industrial, open space/recreation, and community facility zoning districts, buildings forty thousand (40,000) square feet or larger in size and located on a plot five (5) acres or over, up to two (2) flagpoles may be erected per property owner containing one (1) flag per flagpole only or one (1) flagpole containing no more than two (2) flags may be erected. The maximum height of a flagpole shall not exceed twenty-five (25) feet. The property owner can substitute the flagpole and attach no more than two (2) flags to the property owner's building. The maximum size of any one (1) flag shall not exceed twenty-four (24) square feet. Flags attached to an angled pole attached to a building shall not exceed fifteen (15) square feet. The location of any flagpole or flag must be identified on a site plan prior to receiving a building permit and may be no higher than the roofline of the first floor of the building. No flags of any commercial nature may be displayed within these districts.

D. *Maximum dimension.* The maximum dimensions of any flag shall be twenty-four (24) square feet.

E. *Setback.* The minimum setback of the flagpole from all property lines shall be equal to the height of pole or the required setback for the zoning district, whichever is greater.

F. *Cellular tower as flagpole.* In the event that a flagpole is proposed to camouflage a cellular tower as part of a proposal to limit the adverse visual appearance of a lattice or other noncamouflaged cellular tower, the location of which is otherwise necessary, the city commission may allow a flagpole to reach a height greater than set forth herein and may allow for a flag size greater than set forth herein. If a flagpole is proposed to camouflage a cellular tower, the pole and flag size are subject to the following dimensional limitations:

Pole Height	Maximum Flag Size
Up to 25 feet	24 total square feet
25 to 39 feet	40 total square feet

40 to 49 feet	60 total square feet
50 to 59 feet	96 total square feet
60 to 69 feet	150 total square feet
70 feet	216 total square feet

G. *Site plan approval required.* All flagpoles are required to obtain site plan approval in addition to obtain a building permit.

H. *Existing flagpoles.* Any existing flagpole with a valid building permit is excluded from the height and setback requirements as set forth herein.

I. *Flags to be in good condition.* All flags shall be in a good state of repair when being flown as determined by the city manager and/or his/her designee. If a flag has been determined to be in poor maintenance condition, the property owner shall have three (3) days to replace the poorly maintained flag with a flag in good state of repair.

J. *Penalties.* It shall constitute a violation of the city Code, punishable as provided in this section, to intentionally or willfully:

1. Fly a flag that is torn, tattered, ripped, faded, worn, damaged or not maintained;
2. Fly a flag in violation of the United States Code, as may be amended from time to time.
3. To otherwise fail to comply with this article.

Failure to comply with any part of this article shall be punished by a fine not to exceed five hundred dollars ($500.00) or imprisonment for a term not exceeding sixty (60) days or by both fine and imprisonment. Each day a violation exists shall be a separate violation. In addition, the city shall also have the right to revoke, refuse to issue, refuse to reissue, refuse to transfer, or refuse to renew any business tax receipt for any facility, business, entity or establishment where the violation occurred until such time as the violation and/or fine is corrected.

(Ord. No. 2015-18, § 2, 11-18-2015)

DIVISION 10. - PERMITS

Sec. 100-1010. - Permits required.

A. *Sign permits.* Except for exempt signs, it shall be unlawful for any person to install, alter or cause to be installed or altered within the municipal limits of the city any sign otherwise allowed under this article and visible from a public right-of-way, whether permanent or temporary, without first having obtained a sign permit from the city. The sign permit shall be issued by the city only after determination has been made that the proposed sign fully complies with all conditions of this article.

B. *Building permits.* When required by the Florida Building Code, a building permit shall be obtained to erect those signs or sign structures that are subject to the Florida Building Code. The requirement of a building permit is separate and apart from the requirement of a sign permit.

(Ord. No. 2015-18, § 2, 11-18-2015)

Sec. 100-1020. - Applications for sign permits.

Applications for sign permits required by this article shall be filed with the city in conformance with an approved development plan and shall contain the following information:

A. Name and address of owner of proposed sign or his authorized agent.

B. Type of sign and/or structure with all relevant dimensions.

C. Location of premises upon which sign is to be located and photographs of the area in which the sign is to be placed which includes adjacent signage of the area.

D. A plan or design of the sign showing the square foot area of the sign as well as the sign face, height of letters, colors, materials, lighting, equipment if any, and its position relative to the building, the complete building elevation at a scale of no less than one (1) inch equals eighteen (18) feet, other signs on the building or within one hundred (100) feet of the property line.

E. Two (2) separate scaled drawings of the proposed sign shown at a scale of one-half (½) inch equals one (1) foot. These drawings shall also contain all dimensions, size and colors.

F. The drawings for all signs which are to be illuminated shall show the location of electrical outlets, conduits and lighting sources. The plan shall also indicate

the intensity of illumination as certified by an electrical engineer, which shall not exceed the maximum specified herein.

G. Cost of the sign.

H. Such other information as may be required by the building official of the city in order to review the sign permit application for compliance with the city's signage and related land development regulations.

(Ord. No. 2015-18, § 2, 11-18-2015)

Sec. 100-1030. - Fees.

Permit fees for the erection of signs within the municipal limits of the city shall be as set in the building permit fee schedule as adopted by the commission. Other than the required building permit fee, there shall be no other fee for the erection or display of a sign.

(Ord. No. 2015-18, § 2, 11-18-2015)

Sec. 100-1040. - Issuance of sign permit.

A. A sign permit application shall be delivered to the city manager or his/her designee for review and recommendations. The processing timeframes in this section may be waived by the applicant. Applications for wall signs which conform to criteria and standards previously approved by the city commission as part of a uniform sign program for a given commercial development may be approved administratively within fifteen (15) days of receipt of a complete permit application without necessity for further review and approval by either the planning and zoning board and city commission. All other sign permit applications and Community Appearance Board reviews of temporary signs inside a planned residential development per subsection 100-1540.C. shall be subject to review by the planning and zoning board and city commission as follows: Such applications shall be first reviewed by the city manager or his/her designee who shall, within fifteen (15) days of the receipt of such application, determine whether the sign permit application is complete or return an incomplete petition to the applicant. For complete applications, the city manager or his/her designee shall, within thirty (30) days of a determination of completeness prepare a recommendation for consideration by the planning and zoning board. The planning and zoning board shall consider the application at its next regularly scheduled meeting, or at a special meeting, so long as such meeting is within thirty (30) days after the determination of the application's completeness. At that time, the planning and zoning board shall review the same and make such recommendations (if any) it deems appropriate for consideration by the city commission.

B. The city commission shall then consider the sign permit application and the recommendations, if any, of the planning and zoning board at the commission's next regularly scheduled meeting held within thirty (30) days after the matter has been heard by the planning and zoning board, but in no event later than sixty (60) days after the delivery of sign permit application to the city manager or his/her designee (even if the planning and zoning board has not reviewed the aforesaid application or has not made recommendations regarding the same). At that time, the city commission shall consider whether the proposed sign and/or sign structure complies with the city's sign regulations and applicable community appearance standards set forth in the city's land development code, and the city commission shall grant, grant with conditions, or deny the sign permit application within seven (7) days after such meeting. If the application is granted with conditions or if the application is denied, the conditions or the reasons for denial shall be set forth in writing and delivered to the applicant.

C. If the city commission fails to act within the aforesaid time limits, or fails to state the conditions or reasons for denial in writing, the applicant shall be entitled to make a written request for the city commission to consider or reconsider the application. Such request shall be submitted by the applicant to the city commission within ten (10) days after the city commission's deadline for taking the described action, and the written request for reconsideration shall be heard at by the city commission within seven (7) days thereafter. At that time, the city commission shall address the applicant's request and take up or again consider whether the proposed sign and/or sign structure complies with the city's sign regulations and applicable community appearance standards, and the city commission shall grant, grant with conditions, or deny the sign permit application at such meeting. If the application is granted with conditions or if the application is denied, the conditions or the reasons for denial shall be set forth in writing and delivered to the applicant. If the city commission fails to take action within the time periods set forth above, the permit shall be deemed granted.

D. If the sign permit application is granted, the permittee shall furnish the building official or his designee with photographs of the sign in place within thirty (30) days after the same is erected or constructed, and which shall show compliance with any and all height, size, setback, or other requirements of this article.

(Ord. No. 2015-18, § 2, 11-18-2015)

Sec. 100-1050. - Revocation.

A. Sign permits issued under this article shall be good for the life of the sign approved. However, each and any sign permit may be revoked if the building official or his designee upon his determination that the sign is not in full compliance with the provisions of this article.

B. If a sign authorized by any sign permit has not been constructed within nine (9) months after the date of issuance of any sign permit, then the sign permit shall automatically be revoked.

(Ord. No. 2015-18, § 2, 11-18-2015)

Sec. 100-1060. - Exemptions.

The following signs, while they may be covered by the general provisions of this article, shall be exempt from the sign permit requirements of this article. However, this exemption in no way waives requirements of the Florida Building Code or the city's adopted engineering standards or any limitation or restriction on the number, size, height, setback, placement or duration of such signs under this article or any limitation or restriction under any other applicable law or regulation:

A. Private warning and safety signs.
B. Noncommercial on-site directional signs.
C. Nameplate signs.
D. Street addresses that are required.
E. Flags.
F. Window signs.
G. Temporary signs, as set forth in section 100-1540.
H. Changes to the copy of an existing sign that do not require a building permit.

(Ord. No. 2015-18, § 2, 11-18-2015)

DIVISION 15. - CONSTRUCTION, MAINTENANCE, INSTALLATION AND OTHER STANDARDS

Sec. 100-1510. - Requirements for signs in all zoning districts.

A. *Design and structural requirements.*
1. All structural members utilized in the construction or erection of signs shall be concealed except for vertical supports or other supporting members which are designed and arranged so as to be an integral part of the aesthetic composition of a sign.
2. All signs shall be designed so as to be architecturally compatible. No sign or sign face shall cross or disrupt architectural features of the building to which it is attached.
3. Permanent freestanding signs are limited to monument identification signs.
4. All of the following requirements apply to monument signs, and paragraphs a. and e. apply to entrance wall feature signs:
   a. *Height.* Except as provided in subsection E., signs shall not exceed six (6) feet in height. Height shall be measured above the edge-of-pavement elevation of the nearest abutting road at its closest point to the sign location.
   b. *Design.* The sign base shall be, at a minimum, the same width as the sign structure, unless otherwise designed to take the form of an architectural enhancement that complements the design of the building(s) and plaza and coordinates with the uniform sign plan. A masonry or concrete base is not considered an architectural enhancement.
   c. *Supports.* All supporting members or materials utilized in the construction or erection of monument signs shall be concealed.
   d. *Artistic signs.* Monument signs that qualify as artistic signs pursuant to subsection E., are permitted to vary from the standards or paragraphs b. and c., above at the discretion of the city commission.
   e. *Landscaping.* Permanent freestanding signs shall be integrated into a broad, lush landscape that is sufficient to achieve a balance of scale such that the sign does not dominate the landscaping around it. This requirement for signs to be balanced in scale and extent by landscaping is a performance standard. The community appearance board shall determine whether the landscape materials, extent of landscaped area and composition of the landscaping comply with this performance standard. In no event, however, shall the landscaped area around the base of the sign be less than four (4) square feet for each square foot of sign area with landscape materials in accordance with subsection 95-1525.E.
5. Wall signs on multiple-tenant and single-tenant buildings (including those on outparcels) located in the same commercial center shall be stylistically consistent and compatible with one another. The color and font/style of letters used for such signs shall be identical unless otherwise specifically approved by the city commission. The height of letters used for different signs in the same commercial center must fall within a four-inch range unless otherwise specifically approved by the city commission.
6. All wood, whether used for new permanent signs, for replacement of existing signs, or for any part thereof, shall be rot and termite resistant, through open cell preservation methods as specified by the American Wood Preservation Association, or by any other open cell preservation treatment approved by the city.
7. The use of lettering and sign design shall enhance the architectural character of the facade on which the sign is located.
8. All signs must be removed immediately upon discontinuance of their intended or approved use.
9. All signs are limited to one (1) sign face, except that freestanding signs and under canopy signs, are permitted to have two (2) sign faces. The interior angle between the opposing sign faces shall not exceed fifteen (15) degrees, except as may be approved for artistic signs in subsection E. The maximum sign area permitted in section 100-1550, basic sign design schedule in all zoning districts, shall be permitted for each face of a double-faced sign, provided that the copy on the sign faces is identical.

B. *Illumination.* The following conditions and restrictions shall apply to illuminated signs:

1. Except as hereinafter provided in this section, illuminated signs, or illumination in show windows, display windows, in or upon any building shall have the source of light concealed from view from the exterior of the building or structure.
2. Permanent signs may be illuminated internally within channel letters, back lit for a silhouette effect (reverse channel letters), externally illuminated from the ground, or externally illuminated from an architectural (decorative) overhead full-cutoff fixture (i.e. a gooseneck lamp) that is integrated into the design of the sign or facade. Monument sign cabinets may be internally illuminated only if opaque cabinet panels with cut-outs for individual letters and characters are utilized, providing the appearance of channelized letters.
3. External light sources shall be shielded, landscaped when ground-mounted and, except for decorative overhead architectural fixtures as provided in paragraph 2., above, not visible from any adjacent rights-of-way or residentially zoned or developed properties, or from dwelling units on upper stories within the same building on which the illuminated sign is located. Light fixtures that are architectural elements of a building need not be hidden from view, provided that the bulbs or other light source within the fixtures are shielded from view.
4. Intensities of illumination in all cases shall be approved by the building official before the issuance of a sign permit for compliance with the following maximum illumination intensity levels:

Maximum Illumination Intensity Level		
Type of Illumination	Located Within 500 Feet (and Visible from) a Residential Zone	Located Beyond 500 Feet of a Residential Zone
Direct, internal or back lighted	90 footlamberts	150 footlamberts
Indirect or reflected sign	10 footcandles	25 footcandles

5. Illuminated signs located within five hundred (500) feet of a residential zone, and which are visible from such residential zone shall be turned off not later than 11:00 p.m. each night.
6. No intermittent or flashing illumination will be permitted.
7. All exterior electrical outlets for signs shall terminate in a galvanized box with a blank cover, which shall be flush with and not protrude beyond the finished surface of the exterior wall.
8. Transformer boxes, outlets, conduits, and other accessory equipment for any sign shall be placed so that they are not visible from the exterior, and no face jumping shall be permitted.
9. All lighting for all signs shall be designed to prevent light spillage from sign face, and shall not be of such intensity or brilliance as to cause glare, visual distraction or nuisance.
10. The use of neon is limited to an internal light source for signs.
11. Strip lighting shall not be used to border or outline a window, door, canopy or any portion thereof.
12. Temporary and portable signs shall not be illuminated.

C. *Maintenance.* Every sign, together with its framework, braces, angles, or other supports shall be maintained in a safe condition, properly secured, supported and braced to withstand wind pressure as required by the Florida Building Code or any other applicable regulatory code or ordinance in effect within the city limits.

D. *Location.*

1. No sign or support shall be placed in such position or manner as to obstruct or interfere, either physically or visually, with traffic circulation (pedestrian or vehicular), any fire alarm, police alarm, traffic signal or sign or any devices maintained by or under public authority.
2. No sign over a walkway shall have a vertical clearance of less than eight (8) feet in height as measured from the bottom of the sign to the walkway.
3. No sign shall be located within a sight visibility triangle.

E. *Artistic monument signs.*

1. This category of signs has been created to encourage signage that is creative or sculptural by rewarding the extra effort required to create this type of sign through the incentives listed in this provision.
2. Applicants are encouraged to use the services of a design professional to create their sign and to utilize a well-qualified signage manufacturer to fabricate and install their sign.
3. In order to be eligible for the incentives of this section, the sign must exhibit multiple characteristics identified below:

a. Dimensional design that enhances the architecture or landscape of the establishment or development that it identifies. Sculptural creations are encourage
b. Combination of materials that exceeds industry standard quality such as natural stone, stainless steel or glass.
c. Colors, typeface, and lighting that are contributing elements to the overall design of the sign.
d. Design that is integrated as part of an overall design of the landscape, building or site.
e. Design that reflects and enhances Parkland's character as a sophisticated community within a park-like setting.

4. All artistic signs shall comply with following requirement:
a. Design and dimensions shall respect and enhance the localized context of the area in which the sign will be placed.
b. All supporting members or materials utilized in the construction or erection of monument signs shall be concealed, except for supports or materials which are designed and arranged so as to be an integral part of the aesthetic composition of a sign.

5. Artistic monument signs are eligible for the following incentives at the discretion of the city commission:
a. Sign area may exceed the maximum allowance in this article by up to fifty (50) percent per sign along a primary thoroughfare and up to twenty-five (25) percent per sign along a secondary thoroughfare.
b. Sign height along primary thoroughfare frontages may be increased to eight (8) feet upon four (4) affirmative votes of the city commission.
c. Sign height along secondary thoroughfare frontages may be increased to seven (7) feet upon four (4) affirmative votes of the city commission.
d. The number of signs may exceed the allowance in this article by one (1) sign for each primary and secondary street frontage of at least five hundred (500) feet in length. Outparcel frontage shall be credited toward this measurement wherever an outparcel intervenes between the thoroughfare and the master development parcel, provided that the master development has at least two (2) entrances from the thoroughfare where the additional sign is proposed.
e. The city commission may waive or modify design standards set forth in this section.

F. *Changeable copy signs.* Changeable copy is permitted only as specified in this subsection.
1. Within the community facilities district, up to fifty (50) percent of a single building wall sign face or ground sign face per primary or secondary thoroughfare frontage may be allocated for changeable copy.
2. Up to twelve (12) square feet per monument sign may be allocated for changeable copy for motor fuel pump stations where required by a preempting federal or state law.
3. [Reserved.]
4. All changeable sign copy shall be static for a period of time not less than twelve (12) hours.
5. Electronically changeable copy proposed within two hundred fifty (250) feet of a dwelling unit shall be reviewed for lighting control and mitigation in order that the lighting from the sign shall not result in a light intensity of greater than three-tenths (.3) foot-candle above ambient lighting, as measured at the property line or any residential property within two hundred fifty (250) feet of any residential property.
6. A permit is not required for change of copy permitted under this subsection.

(Ord. No. 2015-18, § 2, 11-18-2015)

Sec. 100-1520. - Requirement for uniform sign program.

For any integrated multi-tenant commercial or industrial development in the city, a uniform sign program shall be established and approved by the city commission serving as the community appearance board, as required under the community appearance standards for signage in section 75-160, signage for commercial centers. Uniform sign programs for developments that include one (1) or more multiple-tenant monument signs shall provide standards to ensure the compatibility of lettering styles, sizes and colors, and to ensure that there are adequate white (blank) space in between lines of text and bordering the text at the sign edges. All uniform sign programs require community appearance board approval. Once the city approves a uniform sign program, no further community appearance board approval is required should the property owner authorize lettering styles or colors that deviate from those authorized in the uniform sign program, but which are protected by a federally registered trademark, provided that such signs comply with all other requirements of the uniform sign program.

(Ord. No. 2015-18, § 2, 11-18-2015; Ord. No. 2016-19, § 2, 11-2-2016)

Sec. 100-1530. - Permanent signs; location.

Only such permanent signs as are authorized in this section shall be permitted to be erected or maintained upon any building, plot or parcel of land. Except for those sign types identified in subsections A. through D., below, city commission approval is required for all permanent signs through community appearance board approval of a uniform sign program or individual signs for properties exempt from uniform sign program approval. The following signs are permitted subject to stated regulations and conditions:

A. Permanent private warning and safety signs, not to exceed four (4) square feet per sign up to a cumulative maximum of sixteen (16) square feet per property;

B. Street address signs. All street address signs shall meet requirements set forth in section 4-61.1 of the Code of Ordinances.

C. Nameplate signs in residential districts. Nameplate signs are permitted for each dwelling unit. Nameplate signs shall not exceed one and one-half (1½) square feet in size.

D. Nameplate signs in nonresidential, nonagricultural districts. Nameplate signs are permitted at the front and rear of each building. Nameplate signs shall not exceed three (3) square feet in size. At the front of buildings with covered walkways, a nameplate sign may take the form of an identification sign hung at a ninety-degree angle or an identification sign located on a canopy or awning.

E. Noncommercial on-site directional signs. In multifamily and nonresidential districts, and within common areas of master-planned residential developments that are dedicated to a property owners' association, noncommercial on-site directional signs not exceeding three (3) square feet shall be allowed as needed or required.

F. Wall signs, under-canopy signs, marquee signs, monument signs, window signs, and on-site wayfinding signs:

1. Permanent window signs are permitted in commercial zoning districts subject to the following standards:
    a. Permitted only on the ground floor of a building.
    b. Shall not cover more than fifteen (15) percent of the total window area.
    c. Maximum permitted letter height is eight (8) inches.
    d. Shall be comprised of graphic elements that are professionally created and applied to the window surface.
    e. Businesses are permitted one (1) illuminated sign on the interior side of a window, not to exceed three (3) square feet. All other illuminated signs are prohibited.
2. For each owned, leased or occupied space in nonresidential and nonagricultural districts, one (1) wall sign or one (1) marquee sign shall be allowed, not to exceed the size limitations delineated in section 100-1550, except as follows:
    a. Corner frontages. A second such wall or marquee sign is allowed if the subject building space is located either on a corner lot or outparcel.
    b. Secondary public entrance. A second wall sign, not to exceed one-half (½) maximum allowable sign area and one (1) line of copy, is also permitted when there is a secondary public entrance into an establishment, provided that the entrance is on a different facade than the main entrance, and provided that such facade faces a primary or secondary thoroughfare, or parking lot that serves the establishment. The planning and zoning director shall have the authority to determine which entrance is primary and which is secondary.
    c. Service entrances. One (1) wall sign shall be permitted at the rear or side service entrance of each tenant within a multiple-tenant commercial building if the sign faces a thoroughfare or parking lot associated with the commercial building, limited to one-half (½) of the maximum allowable sign are or twelve (12) square feet in area, whichever is less.
    d. Only one (1) wall sign is permitted per facade elevation.
    e. All signs under this subsection must be approved through a master sign program.
3. For each development in excess of seven and one-half (7.5) acres in nonresidential districts, one (1) monument sign shall be allowed along each primary and secondary thoroughfare, not to exceed the height limitation in section 100-1510, not the size limitations delineated in section 100-1510.
4. In multi-tenant commercial developments in excess of seven and one-half (7.5) acres, on-site wayfinding signs shall be allowed not to exceed six (6) feet in height and twenty-four (24) square feet in area if approved by the city commission as part of a uniform sign program. Such signs shall be located, designed and oriented to assist wayfinding only within the development site, not from the public right-of-way.
5. In master-planned residential developments, on-site wayfinding signs and identification signs shall be allowed within common areas that are dedicated to a property owners' association for maintenance, not to exceed six (6) feet in height and twelve (12) square feet in area. Such signs shall be located, designed and oriented to assist wayfinding only from within the development site, and shall not be visible from any public right-of-way bordering the development.
6. For each gasoline station abutting a roadway, one (1) monument sign shall be allowed, not to exceed the size limitations delineated in section 100-1550, basic sign design schedule in all zoning districts.
7. For each entrance into a master-planned residential subdivision , townhouse or multiple-family developments, one (1) entrance feature wall identification sign on each side of the entrance(s) or a single monument identification sign shall be allowed, neither of which shall exceed the size limitations delineated in section 100-1550, basic sign design schedule in all zoning districts. The city commission may authorize such signage by official resolution for individual neighborhoods that are not master planned.
8. In addition to any wall sign allowed hereunder, freestanding churches and other religious establishments that are not otherwise eligible for a monument sign shall be allowed one (1) nonilluminated monument sign not to exceed twenty-four (24) square feet per face.
9. Under-canopy signs shall be permitted in commercial districts subject to the following standards:
    a. Sign area. Under-canopy signs shall not exceed four (4) square feet in area and shall not exceed one (1) line of copy.
    b. Mounting. Under-canopy signs shall be mounted a minimum of eight (8) feet above the surface of the walkway. Signs shall be mounted perpendicular to the facade of the adjacent storefront.

c. Number. One (1) under-canopy sign shall be permitted for the main entrance for each tenant, not to exceed one (1) per business for each storefront oc
d. Master sign plan. All under-canopy signs shall be shown on the master sign plan and shall be in conformance with the standards contained herein.
e. Under-canopy signs shall not be counted towards the maximum permitted sign area.
f. Under-canopy signs shall be permitted to be located under canopies and/or awnings for pedestrian view only.
g. All signs under this subsection must be approved through a master sign program, except for commercial centers which possess an approved master sign plan, prior to adoption of this section. The addition of the under-canopy signs can be accomplished through a no-fee administrative process.
h. Under-canopy signs shall be uniform throughout the development in regards to shape, design, location, color and lettering.

(Ord. No. 2015-18, § 2, 11-18-2015; Ord. No. 2019-001A, §§ 2(Exh. A), 9(Exh. H), 9-25-2019)

Sec. 100-1540. - Temporary signs; location.

A. *General provisions:*
1. Only such temporary signs as are prescribed herein with the provisions of this article shall be placed, displayed and maintained upon any lot without the necessity of a sign permit.
2. No signs permitted, however, shall exceed six (6) feet in height above the edge of pavement of the abutting road.
3. Signs shall not be placed upon property without the permission of the owner of the property or other person in legal control of the property. It is unlawful to attach signs to rooftops, trees, shrubs, fences, walls, or utility or similar poles. All signs shall be discarded in a proper manner so as to prevent litter and trash from accumulating within the city. Signs shall be no closer than twenty-five (25) feet to the corner or intersection. Signs under three (3) square feet shall be set back a minimum distance of five (5) feet from the public or private right-of-way. Signs over three (3) square feet shall be set back a minimum distance of ten (10) feet from the public or private right-of-way. Different setbacks may be approved by the city manager or designee if necessary to assure the visibility of the sign in relation to landscaping and changes in ground elevation.
4. Sandwich-type signs, other than those explicitly authorized in this section, are prohibited.

B. *Temporary real estate sign permitted in all zoning districts:*
1. One (1) freestanding sign allowed per plot. Temporary real estate signs are not allowed along the Sawgrass Expressway unless such lot only has frontage on the same, in which case, placement of such signs shall be a minimum of seventy-five (75) feet from the right-of-way line of the expressway.
2. Sign area shall not exceed three (3) square feet in area and sign height shall not exceed three and one-half (3½) feet above the crown of the abutting road.
3. One (1) additional sign may be hung from or attached to the approved sign only when the premises are available for inspection by the prospective buyer or tenant. Said additional attached sign shall not be larger than eight (8) inches in width nor twenty-four (24) inches in length.
4. A temporary real estate sign shall be removed immediately following the closing of a sale or a rental, or a lease of the subject property has been accomplished.
5. [Reserved.]
6. Consistent with the severability provisions that are otherwise applicable to this article, in the event that subsection B. or any portion thereof is determined to be unconstitutional or invalid for any reason whatsoever, such determination shall not affect any other portion or provision of this article.

C. *Temporary signs permitted inside a planned residential development in*
1. *Residential [zoning districts]:*
One (1) freestanding sign allowed adjacent to each model home in a planned residential development, with the sign area of each sign not to exceed six (6) square feet. One (1) additional sign of the same size may be displayed only when any model is open and available for inspection by the prospective purchaser.
2. One (1) freestanding identification sign adjacent to each side of each site planned and platted vehicular entrance to the planned residential development, not exceeding thirty-two (32) square feet in area or six (6) feet in height above the edge of pavement of any abutting street or road.
3. Temporary signs may be placed adjacent to the internal road network of a planned residential development that has open models, with the sign area of each sign limited to six (6) square feet.
4. A temporary sign, limited to six square feet in sign area, may be placed adjacent to an amenity or destination within the planned residential development.
5. All temporary signs permitted under this paragraph C. shall be:
a. Set back from any adjacent public right-of-way a distance of at least one hundred (100) feet, but this setback shall not apply to signs permitted under paragraph C.2.; and
b. Subject to community appearance board approval, applying the standards in section 22-290 [75-60], desirable general design elements; and
c. May be displayed from the issuance of a building permit for a principal structure until:
(i) The time that building permits have been issued for all but the lesser of ten (10) percent of the approved lots in the development or ten (10) lots, or
(ii) Any time that there is no active building permit for thirty (30) consecutive days.

D. *Temporary signs permitted for development projects in all zoning districts:*

1. Active building permit: One (1) freestanding sign allowed per project with an active building permit. Sign area is not to exceed thirty-two (32) square feet, and shall be limited to six (6) square feet in single-family attached and detached developments. The sign may not be posted until preliminary building plans have been approved and shall be removed when the certificate of occupancy or completion is issued or the date that the building permit expires, whichever is earlier.

E. *Window signs.* Temporary window signs are allowed in all zoning districts, shall not cover more than fifteen (15) percent of the window area, and may be located on or adjacent to the window. In the business zoning district, an additional temporary window sign, covering more than fifteen (15) percent of the window area, but no more than fifty (50) percent of the window area, may be placed directly on or adjacent to the window surface for a period of time not to exceed fourteen (14) days after the date of issuance of the initial occupational license or a one-time period at the initial beginning of the business. On any temporary window sign, no letter shall be greater in height than four (4) inches, and any logos or symbols shall not be greater than eight (8) inches in height.

F. *Banners.* Banners are permitted only in strict accordance with this subsection.

1. *Eligibility for banners.* An applicant for a building permit to erect a permanent wall identification sign may concurrently submit a sign permit application for a temporary banner sign that has the identical copy and color of the proposed permanent identification sign, and which does not exceed the size or any dimension of the permanent proposed sign. Upon determination by the planning and zoning director that the temporary sign complies with the requirements of this article, including the uniform sign plan for the property, the director shall issue a sign permit to allow installation of the banner sign. The banner sign may be displayed only in the location of the proposed permanent sign, and only until the permanent sign is legally installed. A temporary banner shall not be erected, used or displayed for a period exceeding six (6) weeks from the date that the application for building permit is submitted for the permanent signage, provided that if such building permit is not issued by the end of the six-week period, the temporary banner may remain for not more than two (2) additional weeks, and shall be removed on the fifty-seventh day following the submittal of the application for building permit for the permanent sign(s).

2. *Design standards for banners.*

a. Banners shall be constructed of durable material. Permitted banner materials are polyester, canvas, cotton duck, poplin, satin, ten-ounce or heavier vinyl, nylon, or similar material that the planning and zoning director determines is equally durable, and is similar in appearance and properties.

b. Edges and corners must be clean, trimmed and reinforced by the manufacturer. Frayed or ripped edges are not permitted.

c. All sign copy shall be printed by a professional sign manufacturer (for example: Digitally or transfer printed).

d. Banners shall be maintained in good state of repair, with no visible fading or surface irregularities (for example: warping).

e. Banners shall be flush-mounted to the face of a building or structural canopy below the roofline, or may be suspended between building columns. The banner and any mounting or support equipment shall not extend beyond the partition or end wall of the establishment erecting the banner. Freestanding banners shall be attached to temporary banner poles or similar supports designed specifically for banner mounting.

f. Banners are subject to the minimum vertical clearance for permanent signs above sidewalks, pedestrian and vehicular ways, and shall not encroach within a sight distance triangle.

G. *Temporary noncommercial signs on private property.*

1. Temporary noncommercial signage, up to a cumulative area of six (6) square feet.

2. An additional twelve (12) square feet of temporary noncommercial signage, for the ninety (90) calendar days prior to and seven (7) calendar days following any federal, state, county, or city election.

(Ord. No. 2015-18, § 2, 11-18-2015)

Sec. 100-1550. - Basic sign design schedule in all zoning districts.

The basic sign design schedule in all zoning districts shall be limited as set forth below:

A. *Ultimate width of right-of-way (in feet), 0—50:*

1. Maximum base height of letters/symbols (in inches): Ten (10).

2. Maximum base sign area (in square feet): Eight (8).

B. *Ultimate width of right-of-way (in feet), 51—80:*

1. Maximum base height of letters/symbols (in inches): Fourteen (14).

2. Maximum base sign area (in square feet): Twenty-six (26).

C. *Ultimate width of right-of-way (in feet), 81—100:*

1. Maximum base height of letters/symbols (in inches): Sixteen (16).

2. Maximum base sign area (in square feet): Thirty-two (32).

D. *Ultimate width of right-of-way (in feet), 101—120:*

1. Maximum base height of letters/symbols (in inches): Twenty (20).
2. Maximum base sign area (in square feet): Forty-two (42).

E. *Width of right-of-way (in feet), 121 plus:*

1. Maximum base height of letters/symbols (in inches): Twenty-three (23).
2. Maximum base sign area (in square feet): Forty-eight (48).

(Ord. No. 2015-18, § 2, 11-18-2015)

Sec. 100-1560. - Permission of property owner.

No sign shall be displayed or erected on property without the express permission of the property owner or the person in legal possession of the property.

(Ord. No. 2015-18, § 2, 11-18-2015)

DIVISION 20. - SEVERABILITY

Sec. 100-2000. - Severability.

A. *Generally.* If any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this article is declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, the declaration of such unconstitutionality shall not affect any other part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this article.

B. *Severability where less speech results.* Without diminishing or limiting in any way the declaration of severability set forth above in subsection A. of this section, or elsewhere in this article, this Code, or any adopting ordinance, if any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this article is declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, the declaration of such unconstitutionality shall not affect any other part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this article, even if such severability would result in a situation where there would be less speech, whether by subjecting previously exempt signs to permitting or otherwise.

C. *Severability of provisions pertaining to prohibited signs.* Without diminishing or limiting in any way the declaration of severability set forth above in subsection A. of this section, or elsewhere in this article, this Code, or any adopting ordinance, if any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this article or any other law is declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, the declaration of such unconstitutionality shall not affect any other part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this article that pertains to prohibited signs, including specifically those signs and sign types prohibited and not allowed under section 100-550, prohibited signs. Furthermore, if any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of section 100-550, prohibited signs is declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, the declaration of such unconstitutionality shall not affect any other part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of section 100-550, prohibited signs.

D. *Severability of prohibition on billboards.* If any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this article and/or any other code provisions and/or laws are declared invalid or unconstitutional by the valid judgment or decree of any court of competent jurisdiction, the declaration of such unconstitutionality shall not affect the prohibition on billboards as contained herein.

(Ord. No. 2015-18, § 2, 11-18-2015)

ARTICLE 105. - COMMUNICATIONS FACILITIES IN RIGHTS-OF-WAY

Footnotes:
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***Editor's note—** Sec. 2 of Ord. No. 2017-07, adopted Jan. 31, 2018, amended art. 105 in its entirety to read as herein set out. Former art. 105 pertained to the same subject matter, consisted of §§ 105-10—105-100, derived from Ord. No. 2015-09, adopted Sept. 21, 2015.*

Sec. 105-10. - Intent; definitions.

A. *Use for public purposes.* Pursuant to state law, the city does hereby ratify and confirm the fact that the public rights-of-way of the city are to be held by the city for the benefit of the public and no use may be made of such rights-of-way by private parties for the placement of any objects of any kind whatsoever on such rights-of-way whether such objects are placed on, under or above such rights-of-way, without the authorization of the city, as provided for herein and pursuant to city ordinance.

B. *Intent.* It is the intent of the city to promote the public health, safety and general welfare by: Providing for the placement and maintenance of communications facilities in the public rights-of-way within the city; adopting and administering reasonable rules and regulations not inconsistent with state and federal law,

including F.S. § 337.401, as it may be amended, the city's home-rule authority, and in accordance with the provisions of the Federal Telecommunications Act of 1996 and other federal and state law; establishing reasonable rules and regulations necessary to manage the placement and maintenance of communications facilities in the public rights-of-way by all communications services providers, communications facilities providers and pass-through providers; and minimizing disruption to the public rights-of-way. In regulating its public rights-of-way, the city shall be governed by and shall comply with all applicable federal and state laws.

C. *Definitions.* For the purposes of this article, the following terms, phrases, words and derivations shall have the meanings given. Where not inconsistent with the context, words used in the present tense include the future tense, words in the plural number include the singular number, and words in the singular number include the plural number. The words "shall" and "will" are mandatory, and "may" is permissive. Words not otherwise defined in this section or in any permit that may be granted pursuant to this article shall be given the meaning set forth in the Communications Act of 1934, 47 USC 151 et seq., as amended (collectively the "Communications Act"), and if not defined in the Communications Act, as defined by Florida Statutes; and, if not defined by Florida Statutes, shall be construed to mean the common and ordinary meaning.

Abandonment means the permanent cessation of all uses of a communications facility; provided that this term shall not include cessation of all use of a facility within a physical structure where the physical structure continues to be used. By way of example, and not limitation, cessation of all use of a cable within a conduit, where the conduit continues to be used, shall not be abandonment of a facility in public rights-of-way.

Antenna means communications equipment that transmits or receives electromagnetic radio frequency signals used in providing wireless services.

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 F.S. § 337.401(7). 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.

City means the City of Parkland, Florida.

City utility pole means a utility pole owned by the city and located in the right-of-way.

Collocate or *collocation* means to install, mount, maintain, modify, operate, or replace one (1) 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.

Communications facility or *facility* or *system* means any permanent or temporary plant, equipment or property, including, but not limited to, cables, wires, conduits, ducts, fiber optics, poles, antennae, converters, splice boxes, cabinets, hand holes, manholes, vaults, drains, surface location markers, appurtenances, and other equipment or pathway placed or maintained or to be placed or maintained in the public rights-of-way of the city and used or capable of being used to transmit, convey, route, receive, distribute, provide or offer communications services.

Communications facilities provider means a person (other than a communications services provider) operating one (1) or more communications facilities located within the city, who is engaged, directly or indirectly, in the business of leasing, licensing, subleasing, subletting or hiring to one (1) or more communications service providers all or a portion of the tangible personal property used in a communications facility. A pass-through provider may be a communications facility provider.

Communications services means the transmission, conveyance or routing of voice, data, audio, video, or any other information or signals, including video services, to a point, or between or among points, by or through any electronic, radio, satellite, cable, optical, microwave, or other medium or method now in existence or hereafter devised, regardless of the protocol used for such transmission or conveyance. The term includes such transmission, conveyance, or routing in which computer processing applications are used to act on the form, code, or protocol of the content for purposes of transmission, conveyance, or routing without regard to whether such service is referred to as voice-over-Internet-protocol services or is classified by the Federal Communications Commission as enhanced or value-added. The term does not include:

(a) Information services.

(b) Installation or maintenance of wiring or equipment on a customer's premises.

(c) The sale or rental of tangible personal property.

(d) The sale of advertising, including, but not limited to, directory advertising.

(e) Bad check charges.

(f) Late payment charges.

(g) Billing and collection services.

(h) Internet access service, electronic mail service, electronic bulletin board service, or similar online computer services.

Communications services provider means any person making available or providing communications services through the placement or maintenance of a communications facility in public rights-of-way.

Distributed antenna system or *DAS* means a network of spatially separated antenna nodes connected to a common source via a transport medium that provides wireless service within a geographic area or structure.

Existing structure means a structure within the city's public right-of-way that exists at the time an application for permission to place a communications facility on the preexisting structure is filed with the city. The term includes utility poles and any structure that:

(i) Can structurally support the attachment of a communications facility;

(ii) Can be modified or repurposed to support the attachment of a communications facility; or

(iii) Can be removed and replaced with a structure of similar design and purpose as the original existing structure that supports the attachment of a communications facility.

FCC means the Federal Communications Commission.

In public rights-of-way or *in the public rights-of-way* means in, on, over, under or across the public rights-of-way.

Micro wireless facility means a small wireless facility having dimensions no larger than twenty-four (24) inches in length, fifteen (15) inches in width, and twelve (12) inches in height and an exterior antenna, if any, no longer than eleven (11) inches.

Pass-through provider means any person who places or maintains a communications facility in the city's public rights-of-way and who does not remit taxes imposed by the city pursuant to F.S. ch. 202, as same may be amended from time to time.

Person includes any individual, children, firm, association, joint venture, partnership, estate, trust, business trust, syndicate, fiduciary, corporation, organization or legal entity of any kind, successor, assignee, transferee, personal representative, and all other groups or combinations, but shall not include the city to the extent permitted by applicable law.

Place or maintain or *placement or maintenance* or *placing or maintaining* means to erect, construct, install, maintain, place, repair, extend, expand, remove, occupy, locate or relocate. A communications services provider, communications facilities provider or pass-through provider that owns or exercises physical control over communications facilities in public rights-of-way, such as the physical control to maintain and repair, is "placing or maintaining" the facilities. A party providing service only through resale or only through use of a third party's unbundled network elements is not "placing or maintaining" the communications facilities through which such service is provided. The transmission and receipt of radio frequency signals through the airspace of the public rights-of-way is not placing or maintaining facilities in the public rights-of-way.

Public rights-of-way means a public right-of-way, public utility easement, highway, street, bridge, road, tunnel, pier, waterway, dock, wharf, court, lane, path, or alley or any other similar property for which the city is the authority that has jurisdiction and control and may lawfully grant access to such property pursuant to applicable law, and includes the surface, the air space over the surface and the area below the surface to the extent the city holds a property interest therein. The term "public rights-of-way" shall not include private property. The term "public rights-of-way" shall not include any real or personal city property except as described above and shall not include city buildings, fixtures, poles, conduits, facilities or other structures or improvements, regardless of whether they are situated in the public rights-of-way.

Registrant or *facility owner* means a communications services provider or other person that has registered with the city in accordance with the provisions of this article.

Registration and *register* means the process described in this article whereby a communications services provider provides certain information to the city.

Repurposed structure means an existing structure that has been renovated, reconfigured, or replaced with a similar structure so as to continue serving its primary existing purpose while also supporting the attachment of communications facilities through stealth design or otherwise that is approximately in the same location as the existing structure and in such a manner that does not result in a net increase in the number of structures located within the city's public rights-of-way and does not interfere with pedestrian or vehicular access, and is compliant with applicable codes. To "repurpose an existing structure" shall mean the act of renovating, reconfiguring or replacing an existing structure as described above.

Small wireless facility means a wireless facility that meets the following qualifications:

a. Each antenna associated with the facility is located inside an enclosure of no more than six (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 six (6) cubic feet in volume; and

b. All other wireless equipment associated with the facility is cumulatively no more than twenty-eight (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.

Stealth design means a method of camouflaging any tower, antenna or other communications facility, including, but not limited to, supporting electrical or mechanical equipment, which is designed to enhance compatibility with adjacent land uses and be as visually unobtrusive as possible. Stealth design may include a repurposed structure or a wrap.

Surrounding neighborhood means the area within a five hundred-foot radius of a communications facility site or proposed communications facility site.

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 fifteen (15) feet in height or less unless an authority grants a waiver for such pole.

Video service means a communications service as defined at F.S. § 202.11(24), as may be amended from time to time.

Wireless facility means equipment at a fixed location which enables wireless communications between user equipment and a communications network, including radio transceivers, antennas, wires, coaxial or fiber-optic cable or other cables, regular and backup power supplies, and comparable equipment, regardless of technological configuration, and equipment associated with wireless communications. The term includes small wireless facilities. The term does not include:

a. The structure or improvements on, under, within, or adjacent to the structure on which the equipment is collocated;
b. Wireline backhaul facilities; or
c. Coaxial or fiber-optic cable that is between wireless structures or utility poles or that is otherwise not immediately adjacent to or directly associated with a particular antenna.

Wireless services means any services provided using licensed or unlicensed spectrum, whether at a fixed location or mobile, using wireless facilities.

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.

Wrap means an aesthetic covering depicting scenic imagery, such as vegetation, which blends with the surrounding area.

(Ord. No. 2017-07, § 2, 1-31-2018)

Sec. 105-20. - Registration.

A. *Registration required.* A communications services provider, communications facilities provider or a pass-through provider that desires to place or maintain a communications facility in public rights-of-way in the city shall first register with the city in accordance with this article. Subject to the terms and conditions prescribed in this article, a registrant may place or maintain a communications facility in public rights-of-way upon complying with all permitting and other applicable requirements. A communications services provider, communications facilities provider or a pass-through provider with an existing communications facility in the public rights-of-way of the city as of the effective date of the ordinance from which this article is derived has sixty (60) days from the effective date of the ordinance from which this article is derived to comply with the terms of this article, including, but not limited to, registration, or be in violation thereof. A registration shall not convey any title, equitable or legal, in the public rights-of-way. Registration under this article governs only the placement or maintenance of communications facilities in public rights-of-way. Registration does not excuse a communications services provider, communications facilities provider or a pass-through provider from obtaining appropriate access or pole attachment agreements before locating its facilities in the city's public rights-of-way. Registration does not excuse a communications services provider, communications facilities provider or a pass-through provider from complying with all applicable law, including city ordinances, codes or regulations.

B. *Application.* Each communications services provider, communications facilities provider or pass-through provider that desires to place or maintain a communications facility in public rights-of-way in the city shall file a single registration with the city that shall include the following information:
   1. Name of the applicant;
   2. Name, address and telephone number of the applicant's primary contact person in connection with the registration and of the person to contact in case of an emergency;
   3. Evidence of the insurance coverage required under this article and acknowledgment that registrant has received and reviewed a copy of this article;
   4. A copy of federal or state certification, which may be evidenced by the Florida Public Services Commission, FCC or Department of State certificate of authorization number, authorizing the applicant to provide communications services, if any;
   5. If the applicant is a corporation, proof of authority to do business in the State of Florida, which may be satisfied by the number of the corporate certification or by other means; and
   6. A security fund in accordance with this article.

C. *Processing.* The city manager or designee shall review the information submitted by the applicant. If the applicant submits information in accordance with subsection (B) above, the registration shall be effective and the city shall notify the applicant of the effectiveness of registration in writing. If the city determines that the information has not been submitted in accordance with subsection (B) above, the city shall notify the applicant in writing of the non-effectiveness of registration, and reasons for the non-effectiveness. The city shall so notify an applicant within thirty (30) days after receipt of registration information from the applicant.

D. *Cancellation of registration.* A registrant may cancel a registration upon written notice to the city that the registrant will no longer place or maintain any communications facilities in public rights-of-way and will no longer need to obtain permits to perform work in the public rights-of-way. A registrant cannot cancel a registration if the registrant continues to place or maintain any communications facilities in public rights-of-way.

E. *Registration shall be nonexclusive.* Registration shall not establish any right or priority to place or maintain a communications facility in any particular area in public rights-of-way within the city. Registrations are expressly subject to any future amendment to or replacement of this article and further subject to any additional city ordinances, as well as any state or federal laws that may be enacted.

F. *Renewal of registration.* A registrant shall renew its registration with the city by April 1 of even-numbered years in accordance with the registration requirements in this article, except that a registrant that initially registers during the even-numbered year when renewal would be due or the odd-numbered

year immediately preceding such even-numbered year shall not be required to renew until the next even-numbered year. If no information in the then-existing registration has changed, the renewal may state that no information has changed. Failure to renew a registration may result in the city restricting the issuance of additional permits until the communications services provider, communications facilities provider or pass-through provider has complied with the registration requirements of this article.

G. *Registration updates.* Within thirty (30) days of any change in the information required to be submitted pursuant to subsection (B), a registrant shall provide updated information to the city.

H. *Termination of registration.*

1. The involuntary termination of a previously effective registration may only be accomplished by an action of the city commission. The city may declare the registration terminated and revoke and cancel all privileges granted under that registration if:
   a. A federal or Florida authority suspends, denies, or revokes a registrant's certification or license to provide communications service;
   b. The registrant's placement and maintenance in the public rights-of-way presents an extraordinary danger to the general public or other users of the public rights-of-way; or
   c. The registrant abandons all of its communications facilities in the public rights-of-way.

   Prior to such termination for any of the reasons set forth in this section, the city manager shall notify the registrant in writing setting forth the matters pertinent to such reasons and describing the proposed action of the city with respect thereto. The registrant shall have sixty (60) days after receipt of such notice within which to cure the violation, or within which to present a plan, satisfactory to the city commission, to accomplish the same.

2. The registrant shall be provided with written notice of the meeting at least five (5) days prior to the meeting where the city commission is scheduled to consider termination of the registrant's registration. At such meeting, the registrant shall be given the opportunity to address the city commission regarding the proposed termination action prior to the city commission's vote on termination.
3. In the event of a vote by the city commission to terminate the registration, the registrant shall, within a reasonable time following such termination, provide an acceptable plan for transferring ownership of the communications facilities to another person in accordance with this article or shall remove or abandon the facilities and take such steps as are necessary to render every portion of the facilities remaining in the public rights-of-way of the city safe. If the registrant has either abandoned its facilities or chooses to abandon its facilities, the city may either:
   a. Require the registrant or the registrant's bonding company to remove some or all of the facilities from the public rights-of-way and restore the public rights-of-way to its condition immediately prior to the removal;
   b. The city may require that some or all of the facilities be removed and the public rights-of-way restored to its such condition at the registrant's expense, using city employees, agents or contractors, and charge any and all costs to the registrant and require reimbursement; or
   c. Utilize or allow other persons to utilize the registrant's abandoned facilities.

   The obligations of the registrant hereunder shall survive the termination of a registration. In the event of a declaration of termination of registration, this provision does not permit the city to cause the removal of any facilities that are used to provide another service for which the registrant holds a valid certification or license with the governing federal or state agency, where required, and is properly registered with the city, for such certificated service, where required.

I. *Communications services tax in lieu of permit fee.* A registrant that places or maintains communications facilities in the city's public rights-of-way and that pays communications services taxes shall not be required to pay a permit fee since the city has elected to collect the communications services tax pursuant to F.S. ch. 202, as may be amended from time to time. Pass-through providers shall pay a fee pursuant to City Code section 105-110 and F.S. § 337.401(5), as amended from time to time.

J. *Permits required of registrants.* In accordance with applicable city ordinances, codes or regulations, a permit may be required of a communications services provider, communications facilities provider or a pass-through provider that desires to place or maintain a communications facility in the city's public rights-of-way. An effective registration shall be a condition precedent to obtaining a permit. Notwithstanding an effective registration, permitting requirements shall also apply. A permit may be obtained by or on behalf of a registrant having an effective registration if all applicable permitting requirements are met.

(Ord. No. 2017-07, § 2, 1-31-2018)

Sec. 105-30. - Permit requirements and conditions for work in rights-of-way.

A. (1) *Permit required.* A registrant shall not commence to place or maintain a communications facility in a city public right-of-way until all applicable permits have been issued by the city. The registrant acknowledges that as a condition of granting such permits, the city may impose reasonable conditions governing the placement or maintenance of a communications facility in the city's public rights-of-way related to the public, health, safety and welfare as permitted and set forth in F.S. § 337.401, as may be amended from time to time; however, no such imposed conditions shall prohibit the provision of communications services. Permits shall apply only to the areas of the city's public rights-of-way specifically identified in the permit. In determining whether to permit and reasonably limit, or impose conditions or prohibit a communications facility to be placed or located within the city's public rights-of-way, the city engineer shall consider the following standards and minimum requirements in the city engineer's review and consideration of a permit application and imposition of reasonable permit conditions:

(i) Sufficiency of space to accommodate present and pending applications for use of the city's public rights-of-way. The sufficiency of space to accommodate all of the present and pending applications to place communications facilities and pending or planned applications to place and maintain facilities in that area of the city's public rights-of-way;

(ii) Sufficiency of space to accommodate the city's need for projected public improvements. The sufficiency of space to accommodate city plans for public improvements or projects adopted as part of its community investment capital improvements plan that the city determines in the best interest of the public;

(iii) Impact on traffic and traffic safety. The impact on traffic and traffic safety;

(iv) Impact on existing facilities. The impact upon existing facilities in the city's public rights-of-way;

(v) Distance separation from edge of pavement. No new communications facility pole or wireless support structure shall be constructed, operated or maintained in the city's public rights-of-way in violation of the State of Florida Department of Transportation Manual of Uniform Minimum Standards for Streets and Highways, and the applicable table therein regarding Minimum Width of Clear Zones (the "manual"). In accordance with the manual, the city engineer shall have the authority to reduce the clear zone identified in the manual where that offset cannot be reasonably obtained and other alternatives are deemed impractical;

(vi) Distance separation from sidewalk. No newly installed communications facility pole or wireless support structure shall be placed or maintained in the city's public rights-of-way within one (1) foot of a sidewalk or multi-purpose trail that is five (5) feet or less in width. Collocation on an existing structure is exempt from this requirement; and

(vii) Installation at outermost boundary of city's public rights-of-way. Where a superior site design results from placement of a communications facility pole or wireless support structure at or near the outermost boundary of the city's public right-of-way, the farthest distance practicable from the centerline thereof and edge of pavement is encouraged. To the extent that the location of the sidewalk or multi-purpose trail within the city's public right-of-way precludes achievement of a superior site design or otherwise precludes compliance with all other requirements of this article, then the city engineer or registrant may propose and the registrant may include in the permit application a proposed re-routing of the sidewalk or multi-purpose trail at its own expense, in order to achieve such superior site design or otherwise meet other requirements of this article.

(viii) Impact on drainage. No communications facility shall be installed, operated or maintained in the city's rights-of-way in a manner that adversely impacts drainage facilities or drainage flow within the city's rights-of-way.

(ix) ADA considerations. Sidewalk and multi-purpose trail access and safety considerations for the disabled, including compliance with the Americans with Disabilities Act.

(2) *Permit not required.* A registrant shall be allowed to perform the following limited work within the public rights-of-way without first obtaining a permit provided that such proposed limited work does not involve excavation, or the closure of a sidewalk or vehicle lane:

(i) Routine maintenance or emergency maintenance, subject to the notification provisions of this article;

(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 F.S. ch. 202.

B. *Permit applications.* Except as otherwise provided by applicable law, permit applications to place a communications facility in the city's public rights-of-way shall contain the following information, unless the city engineer, or designee, determines based on the circumstances of a particular application and proposed facility that the information is not necessary for the proper management of the city's rights-of-way:

(1) *Site plan.* A site plan, in the form of signed and sealed plans from a Florida licensed professional engineer of record that show the location of the proposed facilities in the city's public rights-of-way, in a hard copy format or electronic format specified by the city engineer. The site plan shall also include:

i. A description of the facilities to be installed, where the facilities are to be located, and the size, dimensions and height of the proposed facilities that will be located in the city's public rights-of-way; and

ii. For new communications facility poles or wireless support structures, how many collocations the new poles or structures can support in terms of capacity; and

iii. Sufficient specificity as to demonstrate compliance with the Florida Building Code, specifically in terms of compliance with ASCE-7-10, or latest edition for requirements of wind load; and

iv. For new communication facility poles, wireless support structures, or any excavation work, a geotechnical report for the existing soil conditions, or a soil statement by a Florida licensed professional engineer, attesting to the soil conditions.

(2) *Full color photo-simulation.* A full color photo-simulation showing the proposed new communication facility poles and wireless support structures installed in accordance with the application from the point of view of properties adjacent to the proposed site.

(3) *Description of installation or construction.*

i. A description of the type of facility and the manner in which the facility will be installed and/or modified (i.e. anticipated construction methods or techniques); and

ii. A description of stealth design to be utilized. Additionally, each application for a permit to place a communications facility pole or a wireless support struct public rights-of-way shall include photographs showing the location and condition of the surrounding neighborhood, and a description of the stealth desig proposed to minimize the visual impact of the communications facility pole or wireless support structure and graphic depictions accurately representing th of the communications facility pole or wireless support structure when viewed from the street and from adjacent properties.

iii. Alternatively, a signed and sealed statement from a Florida state licensed professional engineer that stealth design cannot be utilized on any particular facility and documentation demonstrating to the satisfaction of the city engineer that the proposed communications facility cannot employ stealth design and the proposed exterior location and configuration of equipment are the minimum equipment necessary to achieve the needed function.

(4) *Temporary sidewalk or multi-purpose trail closure plan.* A temporary sidewalk or multi-purpose trail closure plan, if appropriate given the facility proposed, to accommodate placement or maintenance of the communications facility.

(5) *Temporary maintenance of traffic plan.* A temporary traffic lane closure and temporary traffic control plan, if appropriate given the facility proposed, to accommodate installation and/or modification of the communications facility.

(6) *Capacity of city public rights-of-way to accommodate the cumulative impact of the proposed facility and other facilities within the city's public rights-of-way.* Information on the capacity of the city's public rights-of-way to accommodate the cumulative impact of (i) the proposed facility together with (ii) other existing and proposed facilities in the adjacent city public rights-of-way, if available (such information shall be provided without certification as to correctness, to the extent obtained from other persons). Notwithstanding the foregoing, such information is not required with respect to wireline pole attachment installations made in the communications space of utility poles.

(7) *Restoration plan and cost of restoration of the city's public right-of-way.* Based on the facility proposed, a restoration plan and an estimate of the cost of restoration of the city's public rights-of-way.

(8) *Timetable for construction or installation and intended areas of service*. The timetable for placement or maintenance of the proposed facility or each phase of the placement or maintenance thereof, and the intended areas of the city to be served by the communications facility.

(9) *Project permits involving multiple collocations or attachments.* For project permits that involve multiple collocations or attachments to existing structures, repurposed structures or installation of multiple new wireless support structures, the applicant shall only be required to provide a structural certification by a Florida licensed professional engineer for each type of facility verifying that each type of facility can structurally support the proposed collocations or attachments with the additional loading on the subject structure, not for each facility proposed as part of the overall project. No such certification is required with respect to wireline pole attachment installations made in the communications space of utility poles.

(10) *Certification as to removal of abandoned facilities or equipment.* The applicant shall certify that any and all of its abandoned facilities within the city's public rights-of-way has or have been removed, indicating the prior location of such abandoned facilities.

(11) *Identification of all above-grade and below-grade structures within the city's public rights-of-way within a five hundred-foot radius.* In order to assess the impacts on the city's public rights-of-way resources, the impact on surrounding neighborhoods and other properties within the permit area, and the potential for collocations or use of existing structures, identification of all above-grade structures in the city's public right-of-way within a five hundred-foot radius of the proposed new communications facility (including utility poles, equipment boxes, below-grade and above-grade communications service facilities and antennae) shall be provided (such information may be produced without certification as to correctness to the extent obtained from other registrants with facilities in the city's public rights-of-way). No such identification is required with respect to wireline pole attachment installations made in the communications space of utility poles or for small wireless facility installations.

(12) *Affidavits.*

(i) An application for a permit to install new communications facility pole(s) or new wireless support structures (as opposed to collocations, applications to use an existing structure, or wireline pole attachment installations made in the communication space of utility poles) shall include an affidavit from a Florida licensed professional engineer with a statement that it is not feasible to locate applicant's proposed facilities on existing poles along the proposed route and all the facts relied upon in the applicant's attempt to both collocate or attach the proposed new communications facilities on existing structures within the city's public rights-of-way, as well as on property outside the city's public rights-of-way, within a five hundred-foot radius of the proposed new communications facility. The affidavit requirement in this subsection (i) shall not apply to applications to install a new utility pole in the public rights-of-way to support the collocation of small wireless facilities.

(ii) An application for collocation shall include a signed statement from the owner of the facility or existing structure being collocated upon that the applicant has been granted permission to attach to the facility or existing structure being collocated upon or attached to.

(iii) An application from a wireless infrastructure provider to place a new utility pole in the public rights-of-way to support the collocation of small wireless facilities shall include an attestation that small wireless facilities will be collocated on the utility pole or structure and will be used by a wireless services provider to provide service within nine (9) months after the date the application is approved.

(13) *Public notice of new communications facility poles or new wireless support structures.*

(i) Simultaneous with the filing of an application for a permit for the installation of a new communications facility pole or a new wireless support structure (except for the filing of an application for the installation of a small wireless facility), the registrant shall submit an affidavit of mailing, attesting that notice of pending application has been mailed to all interested persons within three hundred (300) feet of the proposed permit area, as certified by the Broward County Property Appraiser's Office.

(ii) As to owners of condominium or cooperative units where the condominium or cooperative is within three hundred (300) feet of the proposed permit area, shall satisfy the requirements of this subsection by providing written notice to the respective condominium association or cooperative corporation in lieu c notice to the individual property owners within such condominium or cooperative.

(iii) The notice of pending application shall notify the interested persons that an application for a new communications facility pole or wireless support structure has been filed with the city engineer.

(iv) The notice of pending application shall invite the interested persons to provide comments, inquiries or objections to the city engineer and registrant within fifteen (15) days of the date the notice was posted to the U.S. mail.

(v) The notice of pending application shall provide the name, mailing address, e-mail address and phone number of the city engineer to whom the interested persons should direct their comments, inquiries or objections. The contact information for the city engineer shall be in 14-point bold faced print.

(vi) The notice of pending application shall contain the following:

a. A hard copy of the site plan submitted with the permit application;

b. A description of the location of the proposed new communications facility poles or new wireless support structures by reference to the property street addresses abutting the proposed site of the new communications facility poles;

c. A description of the new communications facility pole(s) or new wireless support structures to be installed, including the size, dimensions and height of the proposed new communications facility pole(s) or new wireless support structures;

d. A full color photo-simulation showing the proposed new communications facility pole(s) or new wireless support structures installed in accordance with the application from the point of view the properties adjacent to the proposed site, together with depictions of any stealth design features to be utilized; and

e. The location where the interested persons may go to examine any other materials relative to the pending application.

(14) *Registrant agrees to indemnification.* A statement shall be included within the application for a permit that by execution of the application and by applying for the permit, the registrant agrees to be bound to the city with respect to the indemnification provisions set forth in city Code subsection 105-70(C) as though such indemnification provisions are set forth verbatim in the permit application.

(15) *Additional information as reasonably required for review of permit application.* Such additional information as the city engineer finds reasonably necessary with respect to the placement or maintenance of the communications facility that is the subject of the permit application to review such permit application, which information may include, but is not necessarily limited to:

(i) Evidence satisfactory to the city engineer that the proposed facility will not pose a risk of explosion, fire, or other danger to life or property due to its proximity to volatile, flammable, explosive or other dangerous chemicals; and

(ii) A written statement from a qualified radio frequency engineer that the construction and placement of the proposed facility will not interfere with public safety communications

C. *Permit does not create a property right; program areas where overhead utilities are being placed underground.* A permit from the city constitutes authorization to undertake only certain activities in the city's public rights-of-way in accordance with this article, and does not create a property right to continued occupation of the city's public rights-of-way or grant authority to impinge upon the rights of others who may have an interest in the city's public rights-of-way, nor does it create a property right to maintain collocated communications facilities or facilities hosting on repurposed structures or existing structures when such hosting structures are within a program where overhead distribution utilities are being placed underground pursuant to a city program to underground such overhead distribution facilities.

D. *Avoidance of interference with city public rights-of-way.*

(1) All communications facilities shall be placed or maintained so as not to unreasonably interfere with the use of the public rights-of-way by the public and with the rights of the property owners who adjoin the city's public rights-of-way. The registrant shall endeavor to install all communications facilities underground wherever feasible.

(2) All construction or maintenance of communications facilities shall be accomplished in the manner that will result in the least amount of damage and disruption to the rights-of-way.

(3) The use of trenchless technology (i.e. directional bore method) for the installation of facilities in the city's public rights-of-way as well as joint trenching for the collocation of facilities in existing conduit is strongly encouraged, and the city may require such methods wherever feasible and not inconsistent with applicable law.

E. *Avoidance of interference, displacement, damage or destruction or destruction of other facilities.* A registrant shall not place or maintain its communications facilities so as to interfere with, displace, damage or destroy any facilities, including, but not limited to, sewers, gas or water mains, storm drains, storm drainage lines, pipes, cables or conduits of the city or any other person's facilities lawfully occupying the city's public rights-of-way. The registrant shall be liable for the displacement, damage or destruction of any property, irrigation system or landscaping as a result of the placement or maintenance of its facility within the public rights-of-way. The city manager or designee may issue such rules and regulations concerning the placement or maintenance of a communications facility in public rights-of-way as may be consistent with this article and other applicable law.

F. *Coordination with other work in city public rights-of-way.* Upon request of the city, and as notified by the city of other work, construction, installation or repairs referenced below, a registrant may be required to coordinate placement or maintenance activities under a permit with any other work, construction, installation o repairs that may be occurring or scheduled to occur within a reasonable timeframe in the subject city public right-of-way, and the registrant may be required to reasonably alter its placement or maintenance schedule as necessary so as to minimize disruptions and disturbance in the city's public rights-of-way and minimize interference with the existing communications facilities.

G. *Temporary raising and lowering of communications facilities as accommodation.* A registrant shall, on the request of any person holding a permit issued by the city, temporarily support, protect raise or lower its communications facilities to permit the work authorized by the permit within the city's public rights-of-way. The expense of such temporary support, protection, raising or lowering of facilities shall be paid by the person requesting it, and the registrant shall have the authority to require such payment in advance. To the extent possible, the registrant shall be given not less than thirty (30) days' advance written notice to arrange for such temporary support, protection or relocation. If the city requests the temporary support, protection, raising or lowering of a facility for a public purpose, the city shall not be charged for the temporary support, protection, raising or lowering of the facility.

H. *Restoration of city public rights-of-way.* After the completion of any placement or maintenance work involving a communications facility in a city public right-of-way or each phase thereof, a registrant shall, at its own expense, restore the city public right-of-way to its existing condition prior to such work. If the registrant fails to make such restoration within thirty (30) days, or such longer period of time as may be reasonably required under the circumstances, following the completion of such placement or maintenance work, the city may perform restoration and charge the costs of the restoration against the registrant in accordance with F.S. § 337.402, as may be amended from time to time. For twelve (12) months following the original completion of the work, the registrant shall guarantee its restoration work and shall correct any restoration work that does not satisfy the requirements of this article at its own expense.

I. *Removal or relocation governed by Florida law; conversion of overhead distribution facilities to underground distribution facilities.*

(1) Removal or relocation at the direction of the city of a registrant's communications facilities in a city public right-of-way shall be governed by the provisions of F.S. §§ 337.402, 337.403 and 337.404, as amended from time to time.

(2) Subject to applicable law, whenever existing overhead utility distribution facilities are converted to underground distribution facilities, any registrant having communications facilities located on a communications facility pole or utility pole which is to be removed as a result of said underground conversion shall arrange at their sole expense for the conversion to underground facilities (for wired facilities) or above ground relocation (for wireless facilities) on the same terms and conditions as the other utility distribution facilities that are being converted to underground distribution facilities.

J. *Maintenance in accordance with industry standards and applicable law.* A registrant shall maintain its communications facilities in good condition, order and repair in a manner consistent with accepted industry practice and applicable law.

(1) Owners of communications facilities located in city public rights-of-way shall install and maintain communications facilities and other appurtenant equipment in compliance with the requirements of all applicable laws and codes, and in such a manner that will not interfere with the use of other property or facilities within the city's public rights-of-way.

(2) All communications facilities and other appurtenant equipment shall, at all times, be kept and maintained in good condition, order and repair so that the same shall not endanger the life or property of any person or other facilities in the city's public rights-of-way.

K. *Maintenance of graffiti plan.* Each communications facility within the city's public rights-of-way, including any appurtenant features incorporated therewith under this article, shall be maintained in a neat and clean condition at all times. Specifically, but not without limiting the generality of the foregoing, each communications facility in the city's public rightsof-way shall be regularly maintained so that:

(1) It is free of graffiti visible from the city's public rights-of-way or surrounding neighborhood at grade. All graffiti shall be removed within ten (10) working days from receipt of notice thereof by the city that graffiti exists on the communications facility or any portion thereof. A fine of fifty dollars ($50.00) per day shall be imposed for each and every day of non-compliance after receipt of notice by the city; and

(2) It is reasonably free of dirt and grease, rust and corrosion in visible metal areas, chipped, faded, peeling and cracked paint that is visible from the city's public right-of-way at grade. All such conditions shall be remedied within thirty (30) working days from receipt of notice thereof from the city.

L. *Safety practices; encourage strengthening utility infrastructure and infrastructure hardening plan.* All safety practices required by applicable law or accepted industry practices and standards shall be used during the placement or maintenance of communications facilities. The city's policies strongly favor strengthening utility infrastructure and in particular as it relates to flooding and hurricane related events, and applicants are encouraged to implement an infrastructure hardening plan for any communications facilities within the city's public rights-of-way.

M. *Underground Facility Damage Prevention and Safety Act.* In connection with excavation in the city's public rights-of-way, a registrant shall, where applicable, comply with the Underground Facility Damage Prevention and Safety Act set forth in F.S. ch. 556, as may be amended from time to time.

N. *Use of due caution.* Registrants shall use and exercise due caution, care and skill in performing work in the city's public rights-of-way and shall take all reasonable steps to safeguard work site areas, including, but not limited to, those safeguards set forth in chapter 33 of the Florida Building Code. A registrant shall not place or maintain its communications facilities so as to interfere, displace, damage or destroy any facilities, including, but not limited to, sewers, gas or water mains, storm drains, pipes, cables or conduits of the city or any other person's facilities lawfully occupying the public rights-of-way of the city.

O. *No warranties or representations regarding fitness, suitability or availability of city public rights-of-way.* The city makes no warranties or representations regarding the fitness, suitability, or availability of the city's public rights-of-way for the registrant's communications facilities. Any performance of work, costs incurred or services provided by the registrant shall be at the registrant's sole risk. Nothing in this article shall affect the city's authority to add, vacate or

abandon its public rights-of-way, and the city makes no warranties or representations regarding the availability of any added, vacated or abandoned public rights-ofway for communications facilities.

P. *Right of inspection.* The city shall have the right to make such inspections of communications facilities placed or maintained in its public rights-of-way as it finds necessary and upon reasonable notice to ensure compliance with this article.

(1) Upon completion of work authorized by any permit, in the event that field work resulted in changes from the permit plans, the applicant shall furnish to the city, at no cost to the city, one (1) complete set of sealed "as-built" plans, or in the case of any underground utility facilities, a sealed survey showing the exact location of such facilities, including their depth; or in either case, such other documentation describing the location (including height or depth, as the case may be) of facilities as the city engineer may approve.

(2) The "as-built" plans shall be provided to the city at no cost to the city in the following formats: one (1) twenty-four-inch (24") x thirty-six-inch (36") certified hard copy, and one (1) electronic pdf format copy on a CD or flash drive.

(3) This requirement shall be in addition to, and not in lieu of, any filings the registrant is required to make under the Underground Facility Damage Prevention and Safety Act set forth in F.S. ch. 556, as may be amended from time to time.

(4) The fact that such "as-built" plans or survey is on file with the city shall in no way abrogate the duty of any person to comply with the aforesaid Underground Facility Damage Prevention and Safety Act when performing work in the city's public rights-of-way.

(5) Any proprietary confidential business information obtained from a registrant in connection with a permit application shall be held confidential by the city to the extent required by F.S. § 202.195, as may be amended from time to time, provided the registrant so notifies the city which information is confidential in accordance with Florida's public records laws.

Q. *Florida Building Code; high velocity hurricane zone.* In addition to the requirements of this article, all permitted facilities shall comply with the applicable provisions of the Florida Building Code. Communications facilities shall be considered to be structures under building risk category IV, structures, Chapter 16, sections 1620—1621, high velocity hurricane zone area. Signed and sealed design and wind load calculation shall be provided by a Florida licensed professional engineer and a permit under the Florida Building Code shall be required.

R. *Permit processing timeframes; "shot clock".* The city's action on proposals to place or maintain communications facilities shall be subject to the applicable standards and time frames set out in F.S. § 337.401 and 365.172, as may be amended from time to time; and 47 U.S.C. § 1455(a) and Orders issued by the FCC, as same may be amended from time to time. All federal and state "shot clock" timeframe guidelines that apply to any particular permit are hereby recognized by the city, and the city will make all reasonable efforts to comply therewith.

S. *Project permit.*

(1) *General.* The city may issue a single project permit that would otherwise require individual permits for two (2) or more collocations, existing structures, repurposed structures or pole attachments that form a cluster or multiple clusters to serve a specified service area. New communication facility poles or wireless support structures may not be included in any project permit. The process will start with a preliminary review meeting. After completion of this meeting, a project plan shall be submitted with project permit application.

(2) *Preliminary review meeting.* A meeting with city engineer shall occur to discuss code concerns prior to submitting project plans. For purposes of the master project plan, this meeting is the forum in which the design team describes their intentions for the completion sequence. This is a crucial step that designates how to permit the entire project in order to realize these intentions. From information gathered at the meeting, a project plan shall be created and submitted with a permit application. At the city engineer's sole discretion, upon a determination that a proposed project permit is too large to be processed and completed as such, said proposed project permit may be broken into multiple individual permits or smaller project permits, in any combination.

(3) *Project plan.* An organization chart that breaks down the phases of the project shall be included. The organization is arranged to reflect the dependency that exist between sub-projects. The purpose of the preliminary project plan is to show the sequence of completion for the project. The entire project contained in a project permit must be completely constructed within six (6) months from permit issuance.

T. *Routine maintenance and emergency notices and permits.* In the case of routine maintenance, a registrant shall provide at least three (3) days' advance written notice to the city identifying the areas where such maintenance will occur, scope of maintenance, date(s) and duration of work to be performed. In the case of an emergency, a registrant may restore its damaged facilities in the city's public rights-of-way to their pre-emergency condition or replace its destroyed facilities in the city's public rights-of-way with facilities of the same size, character and quality, all without first applying for or receiving a permit.

(1) The term "emergency" shall mean a condition that affects the public's health, safety or welfare, which includes an unplanned out-of-service condition of a preexisting service.

(2) A registrant shall provide prompt notice to the city of the emergency repair or replacement of a communications facility in the city's public right-of-way, and shall be required to obtain an after-the-fact permit if a permit would have originally been required to perform the work undertaken in connection with the emergency.

U. *Issuance of permit in violation of city Code or construction in violation of city Code.*

(1) The issuance of a permit for a communications facility shall not be construed as a right to placement or maintenance of the communications facility that fails to meet the requirements of this article.

(2) The issuance of a permit for a communications facility shall not be deemed or construed to be a permit for or approval of any violation of any of the provisions article. A permit presuming to give authority to violate or cancel the provisions of the city Code shall be void and invalid except insofar as the work or use that authorizes is lawful.

V. *Permit required.* Notwithstanding any other provision to the contrary, a right-of-way permit from the city is required for any work that involves excavation, closure of a sidewalk or multi-purpose trail or closure of a vehicular lane.

W. *No permit fees for work under this article.* Pursuant to F.S. § 337.401(3)(c)(1)(b), as amended from time to time, and other applicable provisions of law, the city has elected not to charge permit fees to any registrant for permits to do work under this article in the city public rights-of-way. Notwithstanding the foregoing, pass-through providers shall be subject to the fees set forth in city Code section 105-110.

X. *Repurposed structures.* Unless stated otherwise, or as otherwise limited by applicable law, all requirements imposed on communications facilities shall also apply to repurposed structures. The provider attaching its communications facilities to a repurposed structure shall be responsible for registration and permitting requirements of this article to the extent they were exempted prior to the act of repurposing the existing structure. The provider that later removes a repurposed structure (other than a utility pole) shall reinstall a replacement communications facility pole in the city's public right-of-way, at the direction and discretion of the city.

(Ord. No. 2017-07, § 2, 1-31-2018)

Sec. 105-40. - Design standards for compatibility with surrounding neighborhood; prevention of pole proliferation and saturation of city public rights-of-way.

A. *In general.* Above-ground communications facilities, including wireless communications facilities and support structures, shall be designed in such a manner that the facilities and structures are compatible with the surrounding neighborhood and minimize any negative visual impact on the surrounding neighborhood. In order to achieve compatibility with the surrounding neighborhood and to minimize the negative visual impact on the surrounding neighborhood, the regulations in this section 105-40 shall apply, unless otherwise provided pursuant to this section.

B. *Stealth design.* Stealth design for above-ground communications facilities, and in particular, communications facility poles and wireless support structures, shall be utilized wherever possible in order to minimize the visual impact of communications facilities on, and preserve compatibility with, surrounding neighborhoods, and in order to eliminate the need to locate any ground or elevated equipment on the exterior of a communications facility or existing structure. Stealth design is not required with respect to wireline pole attachment installations made in the communication space of utility poles. To the extent reasonably practicable for the site, stealth design features shall include, but are not limited to, the following:

(1) For new communications facility poles and new wireless support structures, as well as existing structures in the city's public rights-of-way, (i) top mounted antennas within enclosures that do not extend the diameter of the supporting communications facility pole, wireless support structure, existing structure or other support structure at the level of antenna attachment, or (ii) side mounted antennas within enclosures that extend no more than two (2) feet beyond the exterior dimensions of the supporting structure at the level of antenna attachment shall be utilized. For purposes of calculating the above, the dimensions of the supporting communications facility pole, wireless support structure, existing structure or other support structure do not include any platform, rack, mount or other hardware used to attach an antenna or antenna enclosure to the supporting structure. Nothing contained in this subparagraph (1) shall be construed to limit stealth design as specified in other subparagraphs below.

(2) The use of foliage and vegetation based on conditions of the specific area where the facility is to be located. Trees shall be determined and approved by the city's landscape plans examiner under separate permit.

(3) Equipment wraps (the imagery in a wrap shall not contain any advertising).

(4) Flag poles.

(5) Street light fixtures.

(6) Other stealth design proposed by an applicant and approved by the city based on unique circumstances applicable to the facility or the location or both.

All stealth designed communications facilities components, including associated hardware, shall be designed and constructed in accordance with the high velocity zone criteria specified in the Florida Building Code, Chapter 16 and considered as structures under building risk category II. Design and wind load calculations shall be provided per ASCE 7 - 10 (170 MPH). Calculations should be accompanied by Miami-Dade County Notice of Acceptance (NOA)/Product Approvals.

C. *No signage.* Registrants shall not place or maintain signage on communications facilities in city public rights-of-way, unless otherwise required by federal or state law, provided; however, that existing structures that lawfully supported signage before being repurposed may continue to support signage as otherwise permitted by law or city code, as may be amended from time to time.

D. *Exterior finish.* Communications facilities not requiring FAA painting or marking shall have an exterior hard durable finish that enhances compatibility with adjacent uses, as approved by the city engineer.

E. *Lighting.* A communications facility shall not have any type of lighted signal, lights, or illuminations unless required by an applicable federal, state, or local rule, regulation, the FAA or law; provided, however, the city may require the installation of an LED street light on a new communications facility pole or wireless support structure or an existing structure functioning as a light pole.

F. *Maximum height restrictions.* Subject to the equipment volume and antenna volume limitations, a communications facility, including any attached antennas, shall not exceed the following height:

(1) *Poles along roadways.* The height of a new communications facility pole or wireless support structure within the public rights-of-way shall only be as high as re necessary to achieve its intended purpose and shall not exceed the height of existing poles or structures in the public rights-of-way within one hundred (100) f proposed new communications facility pole or wireless support structure. If no such existing poles are present in the public rights-of-way within one hundred (the new communications facility pole or a new wireless support structure shall not exceed a height of thirty (30) feet. Height shall be measured from the crown road of the nearest public street.

(2) *Top-mounted antennas.* Top-mounted antennas may extend an additional four (4) feet in height in excess of the height limitations set forth in [subsection] F.(1), above.

(3) *Colocations and repurposed structures.* For each collocation or repurposed structure, top mounted antennas may extend an additional six (6) feet in height in excess of the height limitations set forth in [subsection] F.(1), above.

(4) *Above grade requirement.* All antennas shall be no less than eight (8) feet above grade.

(5) *Small wireless facilities.* See subssection 105-120(G).

G. *Equipment and antenna volume.*

(1) Subject to height limits and antenna volume limits, equipment that may be associated with communications facilities (excluding equipment directly associated with a small wireless facility) attached to an existing structure or a new communications facility pole or a new wireless support structure or located in the city's public right-of-way at grade, not including associated antenna(s), electric meter, telecom demarcation box, battery-back up power systems, grounding equipment, or power transfer switch, shall not exceed seventeen (17) cubic feet.

(2) Antenna volume. Subject to height limits and equipment volume limits, each antenna that may be associated with the installation of a communications facility (excluding antennas directly associated with a small wireless facility) shall not exceed more than three (3) cubic feet in volume. Each antenna that is exposed and not concealed within a concealment enclosure shall fit within an imaginary enclosure that does not exceed three (3) cubic feet.

H. *Prohibition against placement on certain roadways where the city has plans for sidewalks or multi-purpose trails; preference for arterial or collector roadways.* No communications facility shall be placed or maintained in the swale area on the side of a collector roadway or local roadway where the city has plans to install a sidewalk or multi-purpose trail of five (5) feet in width or more, nor shall such communications facility be located in such a manner that would preclude a five-foot clear pathway for the planned sidewalk or multi-purpose trail. Otherwise, communications facilities shall generally be placed in arterial or collector roadways whenever possible. Placement of communications facilities in rights-of-way other than arterial or collector roadways shall be justified by the applicant to the satisfaction of the city engineer prior to the issuance of any permit. Communications facilities otherwise prohibited by this section shall be permitted if installed on an existing structure or repurposed structure located in these areas, subject to any future relocation of the existing structure or repurposed structure to accommodate the sidewalk or multi-purpose trail.

I. *Minimum distance separation from edge of pavement.* No communications facility shall be placed or maintained in the city's public rights-of-way in violation of minimum distance separation from edge of pavement in accordance the State of Florida Department of Transportation Manual of Uniform Minimum Standards for Design, Construction and Maintenance for Streets and Highways, and the applicable table therein regarding Minimum Width of Clear Zones, as amended from time to time (the "manual"). In accordance with the manual, the city engineer shall have the authority to reduce the clear zone identified in the manual where that offset cannot be reasonably obtained and other alternatives are deemed impractical. The city engineer shall have the authority to decide reductions in the clear zone in accordance with the manual. Communications facilities otherwise prohibited by this section shall be permitted if installed on an existing structure or repurposed structure located in these areas.

J. *Minimum distance separation from existing sidewalk or multi-purpose trail.* No communications facility pole or wireless support structure shall be placed or maintained in the city's public rights-of way within one (1) foot of an existing sidewalk or multi-purpose trail. Collocation and use of repurposed structures are exempt from this requirement.

K. *Installation at outermost boundary of city public rights-of-way.* Where a superior site design results from placement of a communications facility at or near the outermost boundary of the city's public right-of-way, the farthest distance practicable from the centerline of the public right-of-way and edge of pavement is encouraged. To the extent that the location of the sidewalk or multi-purpose trail within the city's public right-of-way precludes achievement of a superior site design or otherwise precludes compliance with all other requirements of this article, then the city engineer or registrant may propose and the registrant may include in the permit application a proposed re-routing of the sidewalk or multi-purpose trail at its own expense, in order to achieve such superior site design or otherwise meet other requirements of this article. Communications facilities otherwise prohibited by this section shall be permitted if installed on an existing structure or repurposed structure located in these restricted areas, subject to any future relocation of the existing structure or repurposed structure to accommodate the sidewalk or multi-purpose trail.

L. *Distance separation between communications facility poles and wireless support structures in city public rights-of-way.* Communications facility poles and wireless support structures in the city's public rights-of-way must be spaced a minimum of five hundred (500) linear feet apart from each other, along the line of general vehicular travel, except that no distance requirement shall apply to collocations or existing structures.

M. *Site triangles.* Except on existing structures, no new communications facility shall be constructed or installed within a triangular shaped area of land, known as a "site triangle", and measured in accordance with FDOT standards.

N. *Emphasis on arterial or collector roadways.* Registrants seeking to place or maintain a communications facility pole or a wireless support structure in the city's public rights-of-way shall locate their facilities in arterial or collector roadways, whenever possible. An application for a permit to place a communications facility

pole or a wireless support structure in a city public right-of-way other than arterial or collector roadways shall explain why the applicant is unable to locate the facilities in an arterial or collector roadway and shall demonstrate to the satisfaction of the city engineer the need to locate the facilities in the areas proposed in the application. The preceding sentence shall not apply to applications for small wireless facilities. Upon delegation to the city of the regulatory authorities in this article by the county, state or U.S. Department of Transportation or all of the foregoing entities, then the city may enforce such regulations in this article within the corporate boundaries of the city to the extent such authority has been delegated to the city as stated above.

O. *Prohibition against placement in a front yard within residential zoned districts; distance from residential structures.* No communications facility pole or wireless support structure (excluding repurposed structures) shall be placed within a city public right-of-way that abuts any front yard in a residential zoned district. No antenna attached to a freestanding pole in the public rights-of way, other than as a collocation with an existing power, light or other utility pole, or unless installed as a stealth facility, shall be permitted within fifty (50) feet of any principal residential structure.

P. *Limitation on placement in comer yards within residential zoned districts.* A communications facility pole or a wireless support structure within the city public rights-of way abutting a corner yard of a corner lot within a residential zoned district shall not be placed any closer than ten (10) feet from the side property line of the lot abutting and adjacent to the comer lot.

Q. *Not significantly impair view from principal structures within residential zoned districts.* All communications facility poles or a wireless support structures shall be located such that views from principal structures within residential zoned districts are not significantly impaired. Where possible, newly installed communications facility poles or wireless support structures should be located in areas with existing foliage or other aesthetic features in order to obscure the view of the communications facility pole or wireless support structure within residential zoned districts. The requirements of this subparagraph shall not apply to existing structures, when there is a one-to-one use or repurposing of an existing structure.

R. *Waiver of the requirements of this section by city commission.* Nothing in section 105-40 shall be construed to prohibit or have the effect of prohibiting the nondiscriminatory and competitively neutral use of city public rights-ofway by communications service providers, communications facility providers or pass-through providers, in violation of federal or state law. The waiver provisions listed in this subsection apply in those circumstances where a communications service provider, communications facility provider or pass-through provider's competitively use of city public rights-of-way is impaired by strict application of the requirements of this section 105-40. The city commission shall have the jurisdiction to grant or deny waivers as set forth in this subsection. The following provisions shall govern the granting or denying of a request for a waiver under the requirements of this section 105-40(R):

(1) *Filing of request.* A request for a waiver shall be filed with the city contemporaneously with the permit application.

(2) *Contents.* The request for waiver shall contain each subsection within section 105-40 for which a waiver is sought. A request for a waiver shall include all information described in this subsection (R) and any other information the city may reasonably require to process the waiver request. The city commission may deny the request for a waiver if it does not comply with the requirements of this section 105-40(R).

(3) *Factors.* The city commission shall consider the following factors and information, which shall be supplied by the applicant in the waiver request, in determining whether to grant a waiver:

(i) A detailed explanation, with supporting engineering or other data, as to why a waiver from the requirements of section 105-40 is required in order to allow the registrant/applicant to have nondiscriminatory and competitively neutral use of the city's public rights-of-way;

(ii) Availability of collocation opportunities;

(iii) Size and height of the proposed facilities;

(iv) Location and separation distances of the proposed facilities;

(v) Nature and characteristics of surrounding neighborhood;

(vi) Adjacent and nearby topography, tree coverage and foliage of surrounding neighborhood;

(vii) Design of the proposed facilities with particular reference to achieving compatibility with the surrounding neighborhood and elimination of adverse visual impacts of such facilities on the surrounding neighborhood;

(viii) Any other factors the city determines to be relevant and that may be considered under applicable law.

(4) *Conditions.* In granting any waiver, the city commission may impose conditions to the extent the city commission concludes such conditions are necessary to minimize any adverse effects of the proposed facility on the surrounding neighborhood or to protect the health, safety and welfare of the city and its residents.

(5) *Four-fifths vote required; criteria.* The city commission shall have authority to grant a waiver upon a four-fifths (⅘) vote of the city commission if the applicant proves by a preponderance of the evidence that each of the below criteria have been met in the application for a waiver:

(i) There are special conditions and circumstance affecting the proposed site that prevent compliance with the subsections for which a waiver is being sought;

(ii) The proposed waiver, if granted, results in a superior site plan;

(iii) The proposed waiver, if granted, will not be incompatible with adjoining properties or the surrounding neighborhood;

(iv) The proposed waiver, if granted, is ADA compliant;

(v) The proposed waiver, if granted, complies with FCC regulations;

(vi) The proposed waiver, if granted, preserves to the city optimum flexibility in its management of its public rights-of-way; and

(vii) The applicant for the waiver demonstrates that the subsection for which the waiver is being sought would unreasonably discriminate against the applicant in favor of another communications service provider or would otherwise violate applicable law.

(Ord. No. 2017-07, § 2, 1-31-2018)

Sec. 105-50. - General provisions; reservation of rights.

A. *Nonexclusivety.* The city reserves the right to place and maintain, and permit to be placed or maintained, sewer, gas, water, electric, storm drainage, communications, and other facilities, cables or conduit, and to do, and to permit to be done, any underground and overhead installation or improvement that may be deemed necessary or proper by the city in public rights-of-way occupied by the registrant. Registrant may allow city facilities to be collocated within city's public rights-of-way through the use of a joint trench during registrant's construction project. Such joint trench projects shall be negotiated in good faith by separate agreement between registrant and city and may be subjected to other city rights-of-way requirements. The city further reserves without limitation the right to alter, change, or cause to be changed, the grading, installation, relocation or width of the public rights-of-way within the limits of the city and within said limits as same may from time to time be altered.

B. *Remedies.* Nothing in this article shall affect or limit the remedies the city has available under applicable law.

C. *Conditional use of public rights-of-way.* In the event registrant desires to use its existing facilities or to construct new facilities for the purpose of providing other utility or non-utility services to existing or potential consumers or resellers, by providing any other services other than the provision of communications service, or for providing any other use to existing or potential consumers, a registrant shall seek such additional and separate authorization from city for such activities as may be required by applicable law.

D. *Lawful exercise of city's rights.* To the extent that any person or registrant leases or otherwise uses the facilities of a person that is duly registered or otherwise authorized to place or maintain facilities in the public rights-of-way of the city, such person or registrant shall make no claim, nor assert any right, which will impede the lawful exercise of the city's rights, including, but not limited to, requiring the removal of such facilities from the public rights-of-way of the city, regardless of the effect on registrant's ability to place or maintain its own communications facilities in public rights-of-way of the city.

E. *Reservation of rights.*

1. The city reserves the right to amend this article as it shall find necessary in the lawful exercise of its police powers.
2. This article shall be applicable to all communications facilities placed in the public rights-of-way on or after the effective date of this article and shall apply to all existing communications facilities placed in the public rights-of-way prior to the effective date of this article, to the full extent permitted by state and federal law.

F. *Capacity for new facilities.* The city shall have the power to prohibit or limit the placement of new or additional communications facilities within the public rights-of-way if there is insufficient space to accommodate all of the requests to place and maintain facilities in that area of the public rights-of-way, for the protection of existing facilities in the public rights-of-way or to accommodate city plans for public improvements or projects that the city determines are in the public interest and to the extent not prohibited by applicable law.

(Ord. No. 2017-07, § 2, 1-31-2018)

Sec. 105-60. - Transfer, control, sale or assignment of assets.

If a registrant transfers, sells or assigns its registration or its facilities in the public rights-of-way, incident to a transfer, sale or assignment of the registrant's assets, the transferee, buyer or assignee shall be obligated to comply with the terms of this article. Written notice of any such transfer, sale or assignment shall be provided to the city within thirty (30) days of the effective date of the transfer, sale or assignment. If the transferee, buyer or assignee is a current registrant, then the transferee, buyer or assignee is not required to re-register. If the transferee, buyer or assignee is not a current registrant, then the transferee, buyer or assignee shall register as provided herein within sixty (60) days of the transfer, sale or assignment. If permit applications are pending in the registrant's name, the transferee, buyer or assignee shall notify the appropriate city officials that the transferee, buyer or assignee is the new applicant. Any mortgage, pledge, lease or other encumbrance on the communications facilities shall be subject and subordinate to the rights of the city under this article and applicable law.

(Ord. No. 2017-07, § 2, 1-31-2018)

Sec. 105-70. - Insurance, indemnification, fees and bonds.

A. *Insurance.*

1. A registrant shall provide, pay for and maintain satisfactory to the city the types of insurance described herein. All insurance shall be from responsible companies duly authorized to do business in the State of Florida and having a rating in Best's Insurance Guide of A or better or having a rating acceptable to the city. All liability policies shall provide that the city is an additional insured in the endorsement. The required coverages must be evidenced by properly executed certificates of insurance forms. The certificates must be signed by the authorized representative of the insurance company and shall be filed and maintained with the city annually. Thirty (30) days' advance written notice by registered or certified mail must be given to the city of any cancellation, intent not to renew or reduction in the policy coverages. The insurance requirements may be satisfied by evidence of self-insurance or other types of insurance acceptable to the city.

2. The limits of coverage of insurance required shall be not less than the following:
    a. Worker's compensation and employer's liability insurance.
    b. Employer's liability. Five hundred thousand dollar ($500,000.00) limit each accident; five hundred thousand dollars ($500,000.00) limit per each employee.
    c. Comprehensive general liability.
    d. Bodily injury and property damage - Three million dollars ($3,000,000.00) combined single limit each occurrence. Said coverage shall not exclude contractual liability, products/completed operations or independent contractors.
    e. Business automobile liability.
    f. Bodily injury and property damage - Three million dollars ($3,000,000.00) combined single limit each accident.
    g. Umbrella or excess liability. Registrant may satisfy the minimum limits required above for either commercial general liability, business auto liability and employer's liability coverage under umbrella or excess liability. The umbrella or excess liability shall have an aggregate limit not less than the highest "each occurrence" limit for commercial general liability, business auto liability or employer's liability. The city shall be specifically endorsed as an "additional insured" on the umbrella or excess liability, unless the certificate of insurance states the umbrella or excess liability provides coverage on a "follow-form" basis.
    h. Self-insurance. Registrant may satisfy the insurance requirements and conditions of this section under a self-insurance plan and/or retention. Registrant agrees to notify the city, and/or indicate on the certificate of insurance, when self-insurance is relied upon or when a self-insured retention exceeds one hundred thousand dollars ($100,000.00). The city reserves the right, but not the obligation, to request and review a copy of the registrant's most recent annual report or audited financial statement, which the registrant agrees to furnish for the purpose of determining the registrant's financial capacity to self-insure.
3. *Right to review.* The city reserves the right to review, modify, reject or accept any required policies of insurance or self-insurance, including limits, coverages, or endorsements, herein from time to time throughout the life of this section. The city reserves the right, but not the obligation, to review and reject any insurer or self-insurer providing coverage because of its poor financial condition or failure to operate legally.

B. *No waiver of rights; insurance requirement.* This section shall not be construed to affect in any way the city's rights, privileges and immunities as set forth in F.S. § 768.28. Insurance under this section shall run continuously with the presence of the registrant's facilities in the public right-of-way and any termination or lapse of such insurance shall be a violation of this section and subject to the remedies as set forth herein. Notwithstanding the foregoing, the city may, in its sole discretion, require increased or decreased levels of insurance for any other object placed in the city's rights-of-way.

C. *Indemnification.* By virtue of its use of city rights-of-way, a registrant shall, at its sole cost and expense, and to the fullest extent permitted by applicable law, indemnify, hold harmless and defend the city, its officials, boards, members, agents and employees, against any and all claims, suits, causes of action, proceedings, judgments for damages or equitable relief, and costs and expenses incurred by the city arising out of the placement or maintenance of its communications system or facilities in public rights-of-way, regardless of whether the act or omission complained of is authorized, allowed or prohibited by this article, provided, however, that a registrant's obligation hereunder shall not extend to any damages caused solely by the negligence, gross negligence or wanton or willful acts of the city. This provision includes, but is not limited to, the city's reasonable attorneys' fees incurred in defending against any such claim, suit or proceedings. The city agrees to notify the registrant, in writing, within a reasonable time of city receiving written notice, of any issue it determines may require indemnification. Nothing in this section shall prohibit the city from participating in the defense of any litigation by its own counsel and at its own cost if in the city's reasonable belief there exists or may exist a conflict, potential conflict or appearance of a conflict. Nothing contained in this section shall be construed or interpreted:
1. As denying to either party any remedy or defense available to such party under the laws of the State of Florida;
2. As consent by the city to be sued; or
3. As a waiver of sovereign immunity beyond the waiver provided in F.S. § 768.28, as it may be amended.

D. *Bond.*
1. Prior to performing any permitted work in the public rights-of-way, the city may require the registrant to establish in the city's favor a construction bond to secure the restoration of the public rights-of-way and to ensure the registrant's faithful performance of the construction or other work in the public rights-of-way, in accordance with applicable sections of the city Code. In the event a registrant subject to such a construction bond fails to complete the work in accordance with the provisions of the permit and this article, there shall be recoverable, jointly and severally from the principal and surety of the bond, any damages or loss suffered by the city as a result, including the full amount of any compensation, indemnification or cost of removal or abandonment of any property of the registrant, or the cost of completing the work, plus a reasonable allowance for attorney's fees, up to the full amount of the bond.
2. No less than twelve (12) months after completion of the construction and satisfaction of all obligations in accordance with the bond, the registrant may request the public works/utilities director or designee to remove the requirement to continue the construction bond and the city shall release the bond within ten (10) days. Notwithstanding, the city may require a new bond for any subsequent work performed in the public rights-of-way.
3. The construction bond shall be issued by a surety having a minimum rating of A-1 in Best's Key Rating Guide, Property/Casualty Edition; shall be subject to the approval of the city attorney; and shall provide that:

"Unless released by the city, this bond may not be canceled, or allowed to lapse, until thirty (30) days after receipt by the city, by certified mail, return receipt requested, of a written notice from the issuer of the bond of intent to cancel or not to renew."

4. The rights reserved by the city with respect to any construction bond established pursuant to this section are in addition to all other rights and remedies the city may have under this section, or at law or equity, and no action, proceeding or exercise of a right with respect to the construction bond will affect any other right the city may have.

E. *Fees, costs and bond amounts.* To the extent permitted by law, the registrant shall reimburse the city for all costs of consultants, contractors, or legal counsel incurred in the registration process and any reviews and inspections and legal documents required as part of this process. The city may also impose a reasonable fee, adopted by resolution, to the extent permitted by law. Permit fees and bonds shall be calculated in accordance with article 145, permits, fees and bonds.

(Ord. No. 2017-07, § 2, 1-31-2018)

Sec. 105-80. - Enforcement remedies.

A. *Remedies.* In addition to any other remedies available at law, including, but not limited to, F.S. § 166.0415, and F.S. ch. 162, or equity or provided in this article, the city may apply any one (1) or combination of the following remedies in the event a registrant violates this article, or applicable local law or order related to the public rights-of-way:
   1. Failure to comply with the provisions of the article or other law applicable to occupants of the public rights-of-way may result in imposition of penalties to be paid by the registrant to the city in an amount of not less than two hundred fifty dollars ($250.00) per day or part thereof that the violation continues.
   2. In addition to or instead of any other remedy, the city may seek legal or equitable relief from any court of competent jurisdiction.
   3. In determining which remedy or remedies are appropriate, the city shall take into consideration the nature of the violation, the person or persons bearing the impact of the violation, the nature of the remedy required in order to prevent further violations, and such other matters as the city determines are appropriate to the public interest.

B. *No waiver of rights.* Failure of the city to enforce any requirements of this article shall not constitute a waiver of the city's right to enforce that violation or subsequent violations of the same type or to seek appropriate enforcement remedies.

C. *Registrant's opportunity to respond.* In any proceeding before the city where there exists an issue with respect to a registrant's performance of its obligations pursuant to this article, the registrant shall be given the opportunity to provide such information as it may have concerning its compliance with the terms and conditions of this article. The city may find a registrant that does not demonstrate compliance with the terms and conditions of this article in default and apply any one (1) or combination of the remedies otherwise authorized by this article.

D. *Administrative official.* The city manager or designee shall be responsible for administration and enforcement of this article, and is authorized to give any notice required by law.

(Ord. No. 2017-07, § 2, 1-31-2018)

Sec. 105-90. - Reports and records; inspections.

A. A registrant shall provide the following documents to the city as received or filed:
   1. Upon reasonable request, any pleadings, petitions, notices, and documents, which may directly impact the obligations under this article and which are reasonably necessary for the city to protect its interests under this article.
   2. Any request for protection under bankruptcy laws, or any judgment related to a declaration of bankruptcy.

B. Nothing in this subsection shall affect the remedies registrant has available under applicable law.

C. In addition, the city may, at its option, and upon reasonable notice to the registrant, inspect the facilities in the public rights-of-way to ensure the safety of its residents.

D. The city shall keep any documentation, books and records of the registrant confidential if the registrant informs the city in writing of such confidential material, and only to the extent required under Florida Statutes.

(Ord. No. 2017-07, § 2, 1-31-2018)

Sec. 105-100. - Abandonment of a communications facility.

A. Upon abandonment of a communications facility owned by a registrant in the public rights-of-way, the registrant shall notify the city of such abandonment within ninety (90) days. The city may direct the registrant by written notice to remove all or any portion of such abandoned facility at the registrant's sole expense if the city determines that the abandoned facility's presence interferes with the public health, safety or welfare, which shall include, but shall not be limited to, a determination that such facility:
   1. Compromises safety at any time for any public rights-of-way user or during construction or maintenance in public rights-of-way.
   2. Prevents another person from locating facilities in the area of public rights-of-way where the abandoned facility is located when other alternative locations

are not reasonably available.

3. Creates a maintenance condition that is disruptive to the public rights-of-way's use.

B. In the event of paragraph 2., above, the city may require the third person to coordinate with the registrant that owns the existing facility for joint removal and placement, where agreed to by the registrant.

C. In the event that the city does not direct the removal of the abandoned facility, the registrant, by its notice of abandonment to the city, shall be deemed to consent to the alteration or removal of all or any portion of the facility by the city or another person at such third party's cost.

D. If the registrant fails to remove all or any portion of an abandoned facility as directed by the city within a reasonable time period as may be required by the city under the circumstances, the city may perform such removal and charge the cost of the removal against the registrant.

(Ord. No. 2017-07, § 2, 1-31-2018)

Sec. 105-110. - Pass-through provider fees and charges.

A. Pass-through providers shall pay to the city on an annual basis an amount equal to five hundred dollars ($500.00) per linear mile or portion thereof of communications facilities placed and/or maintained in the city's public rights-of-way.

B. The amounts charged pursuant to this section shall be based on the linear miles of city rights-of-way where communications facilities are placed, not based on a summation of the lengths of individual cables, conduits, strands or fibers.

C. Any annual amount charged shall be reduced for a prorated portion of any twelve-month period during which the pass-through provider remits taxes imposed by the city pursuant to F.S. ch. 202, as may be amended from time to time.

D. Annual payments shall be due and payable on March 1 of each year. Fees not paid within ten (10) days after the due date shall bear interest at the rate of one (1) percent per month from the date due until paid. The acceptance of any payment required hereunder by the city shall not be construed as an acknowledgement that the amount paid is the correct amount due, nor shall such acceptance of payment be construed as a release of any claim which the city may have for additional sums due and payable. All fee payments shall be subject to audit by the city, and assessment or refund if any payment is found to be in error. If such audit results in an assessment by and an additional payment to the city, such additional payment shall be subject to interest at the rate of one (1) percent per month until the date payment is made.

E. If the payments required by this section are not made within ninety (90) days after the due date, the city may withhold the issuance of any permits to the registrant until the amount past due is paid in full.

(Ord. No. 2017-07, § 2, 1-31-2018)

Sec. 105-120. - Small wireless facilities.

A. *Registration required; application.* A person that desires to place or maintain a small wireless facility in public rights-of-way within the city shall first register with the city in accordance with section 105-20 of the city Code. As part of any permit application to place a new or replace an existing small wireless facility in the public rights-of-way, the registrant shall provide a proposal to the city that includes the information required under subsection 105-30(B) of the city Code, to the extent such information may be requested under applicable state law, and information documenting compliance with the applicable codes, including, but not limited to, the design standards applicable to small wireless facilities.

B. *Location; alternative location procedure.* Small wireless facilities shall not be subject to the minimum separation distances set forth in section 105-40 of the city Code, except as expressly permitted by law. Within fourteen (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 thirty (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 ninety (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.

C. *Collocation application process.* Within fourteen (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 fourteen (14) days. Pursuant to F.S. § 337.401(7), as 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 sixty (60) days after receipt of the application. If the city does not use the thirty-day negotiation period provided in subsection (B) above, the parties may mutually agree to extend the sixty-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 one (1) year unless extended by the city.

D. *Consolidated application.* An applicant seeking to collocate small wireless facilities within the city may, at the applicant's discretion, file a consolidated application and receive a single permit for the collocation of up to thirty (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.

E. *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 thirty (30) days after notice of the denial is sent to the applicant. The city shall approve or deny the revised application within thrity (30) days after receipt or the application is deemed approved. Any subsequent review shall be limited to the deficiencies cited in the denial.

F. *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:

(1) Materially interferes with the safe operation of traffic control equipment;

(2) Materially interferes with sight lines or clear zones for transportation, pedestrians, or public safety purposes;

(3) Materially interferes with compliance with the Americans with Disabilities Act or similar federal or state standards regarding pedestrian access or movement:

(4) Materially fails to comply with the 2010 edition of the Florida Department of Transportation Utility Accommodation Manual; or

(5) Fails to comply with applicable codes.

G. *Height.* The height of a small wireless facility shall not exceed ten (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 five hundred (500) feet of the proposed location of the small wireless facility. If there is no utility pole within five hundred (500) feet, the height of the utility pole upon which the small wireless facility is to be collocated shall not exceed fifty (50) feet and shall only be as high as reasonably necessary to achieve its intended purpose.

H. *Collocation on city utility poles.*

(1) The rate to collocate a small wireless facility on a city utility pole shall be one hundred fifty dollars ($150.00) per pole annually, or the maximum amount permitted under applicable law, whichever is greater.

(2) The city may reserve space on city utility poles for future public safety uses. 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.

(3) 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. § 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 will include pole replacement, if necessary.

(4) For a city utility pole that does not support an aerial facility used to provide communications services or electric service, the authority 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 sixty (60) days after receipt of a complete application. Make-ready work, including any pole replacement, shall be completed within sixty (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 for 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.

(5) The make-ready work specified in subsections (3) and (4) 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.

I. *Design standards.* The city's design standards set forth in this article and the applicable codes may be waived by the city commission 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 forty-five (45) days after the date of the request.

J. *Micro wireless facilities.* City approval shall not be required for the 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 public rights-of-way and who is remitting taxes under F.S. ch. 202. Notwithstanding the foregoing, the city may require a right-of-way permit for work that involves excavation, closure of a sidewalk or closure of a vehicular lane.

K. *Permitting.* An applicant for installation of a small wireless facility shall obtain a right-of-way permit from the city, except to the extent applicable law prohibits the city from requiring a permit.

L. *Airport airspace.* A structure granted a permit and installed pursuant to this section shall comply with F.S. ch. 333, and federal regulations pertaining to airport airspace protections.

M. *No application to locations subject to HOA restrictions.* This section does not authorize a person to collocate small wireless facilities or micro wireless facilities on a city utility pole or erect a wireless support structure in a location subject to covenants, conditions, restrictions, articles of incorporation, and bylaws of a homeowners' association.

N. *Prohibition against placement in location where facilities are placed underground.* A wireless service provider, including a communications services provider and communications facilities provider, shall, in relation to a small wireless facility, utility pole or wireless support structure in the public rights-of-way, comply with nondiscriminatory undergrounding requirements of the city that prohibit above-ground structures in the public rights-of-way.

O. *Distance separation between ground-mounted equipment associated with a small wireless facility.* Ground-mounted equipment associated with a small wireless facility in the public rights-of-way must be spaced a minimum of three hundred fifty (350) linear feet apart from ground-mounted equipment associated with another small wireless facility.

(Ord. No. 2017-07, § 2, 1-31-2018)

Sec. 105-130. - Preemption.

In the event any provision of this ordinance is specifically preempted, or judicially determined to be preempted by state or federal law, then the preempted provision shall automatically be deemed null and void and the superseding provision of state or federal law shall prevail.

(Ord. No. 2017-07, § 2, 1-31-2018)

ARTICLE 110. - FLOODPLAIN MANAGEMENT - ADMINISTRATION

Sec. 110-10. - General.

A. *Title.* These regulations shall be known as the Floodplain Management Ordinance of The City of Parkland, hereinafter referred to as "this ordinance."

B. *Scope.* The provisions of this ordinance shall apply to all development that is wholly within or partially within any flood hazard area, including, but not limited to, the subdivision of land; filling, grading, and other site improvements and utility installations; construction, alteration, remodeling, enlargement, improvement, replacement, repair, relocation or demolition of buildings, structures, and facilities that are exempt from the Florida Building Code; placement, installation, or replacement of manufactured homes and manufactured buildings; installation or replacement of tanks; placement of recreational vehicles; installation of swimming pools; and any other development.

C. *Intent.* The purpose of this ordinance and the flood load and flood-resistant construction requirements of the Florida Building Code are to establish minimum requirements to safeguard the public health, safety, and general welfare and to minimize public and private losses due to flooding through regulation of development in flood hazard areas to:

1. Minimize unnecessary disruption of commerce, access and public service during times of flooding;
2. Require the use of appropriate construction practices in order to prevent or minimize future flood damage;
3. Manage filling, grading, dredging, mining, paving, excavation, drilling operations, storage of equipment or materials, and other development which may increase flood damage or erosion potential;
4. Manage the alteration of flood hazard areas, watercourses, and shorelines to minimize the impact of development on the natural and beneficial functions of the floodplain;
5. Minimize damage to public and private facilities and utilities;
6. Help maintain a stable tax base by providing for the sound use and development of flood hazard areas;
7. Minimize the need for future expenditure of public funds for flood control projects and response to and recovery from flood events; and
8. Meet the requirements of the National Flood Insurance Program for community participation as set forth in the Title 44 Code of Federal Regulations, Section 59.22.

D. *Coordination with the Florida Building Code.* This ordinance is intended to be administered and enforced in conjunction with the Florida Building Code. Where cited, ASCE 24 refers to the edition of the standard that is referenced by the Florida Building Code.

E. *Warning.* The degree of flood protection required by this ordinance and the Florida Building Code, as amended by this community, is considered the minimum reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur. Flood heights may be increased by manmade or natural causes. This ordinance does not imply that land outside of mapped special flood hazard areas, or that uses permitted within such flood hazard areas, will be free from flooding or flood damage. The flood hazard areas and base flood elevations contained in the Flood Insurance Study and shown on Flood Insurance Rate Maps and the requirements of Title 44 Code of Federal Regulations, Sections 59 and 60 may be revised by the Federal Emergency Management Agency, requiring this community to revise these regulations to remain eligible for participation in the National Flood Insurance Program. No guaranty of vested use, existing use, or future use is implied or expressed by compliance with this ordinance.

F. *Disclaimer of liability.* This ordinance shall not create liability on the part of city commission of the City of Parkland or by any officer or employee thereof for any flood damage that results from reliance on this ordinance or any administrative decision lawfully made thereunder.

(Ord. No. 2015-09, § 2(Exh. A), 9-21-2015)

Sec. 110-20. - Applicability.

A. *General.* Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall be applicable.

B. *Areas to which this ordinance applies.* This ordinance shall apply to all flood hazard areas within the City of Parkland, as established in section 110-20.C. of this ordinance.

C. *Basis for establishing flood hazard areas.* The Flood Insurance Study for Broward County, Florida, and Incorporated Areas, dated August 18, 2014, and all subsequent amendments and revisions, and the accompanying Flood Insurance Rate Maps (FIRM), and all subsequent amendments and revisions to such maps, are adopted by reference as a part of this ordinance and shall serve as the minimum basis for establishing flood hazard areas. Studies and maps that establish flood hazard areas are on file at the Building Department, 6600 North University Drive.

D. *Submission of additional data to establish flood hazard areas.* To establish flood hazard areas and base flood elevations, pursuant to section 110-50 of this ordinance the floodplain administrator may require submission of additional data. Where field surveyed topography prepared by a Florida licensed professional surveyor or digital topography accepted by the community indicates that ground elevations:

1. Are below the closest applicable base flood elevation, even in areas not delineated as a special flood hazard area on a FIRM, the area shall be considered as flood hazard area and subject to the requirements of this ordinance and, as applicable, the requirements of the Florida Building Code.
2. Are above the closest applicable base flood elevation, the area shall be regulated as special flood hazard area unless the applicant obtains a letter of map change that removes the area from the special flood hazard area.

E. *Other laws.* The provisions of this ordinance shall not be deemed to nullify any provisions of local, state or federal law.

F. *Abrogation and greater restrictions.* This ordinance supersedes any ordinance in effect for management of development in flood hazard areas. However, it is not intended to repeal or abrogate any existing ordinances including, but not limited to, land development regulations, zoning ordinances, stormwater management regulations, or the Florida Building Code. In the event of a conflict between this ordinance and any other ordinance, the more restrictive shall govern. This ordinance shall not impair any deed restriction, covenant or easement, but any land that is subject to such interests shall also be governed by this ordinance.

G. *Interpretation.* In the interpretation and application of this ordinance, all provisions shall be:

1. Considered as minimum requirements;
2. Liberally construed in favor of the governing body; and
3. Deemed neither to limit nor repeal any other powers granted under state statutes.

(Ord. No. 2015-09, § 2(Exh. A), 9-21-2015)

Sec. 110-30. - Duties and powers of the floodplain administrator.

A. *Designation.* The building official is designated as the floodplain administrator. The floodplain administrator may delegate performance of certain duties to other employees.

B. *General.* The floodplain administrator is authorized and directed to administer and enforce the provisions of this ordinance. The floodplain administrator shall have the authority to render interpretations of this ordinance consistent with the intent and purpose of this ordinance and may establish policies and procedures in order to clarify the application of its provisions. Such interpretations, policies, and procedures shall not have the effect of waiving requirements specifically provided in this ordinance without the granting of a variance pursuant to section 110-70 of this ordinance.

C. *Applications and permits.* The floodplain administrator, in coordination with other pertinent offices of the community, shall:

1. Review applications and plans to determine whether proposed new development will be located in flood hazard areas;
2. Review applications for modification of any existing development in flood hazard areas for compliance with the requirements of this ordinance;
3. Interpret flood hazard area boundaries where such interpretation is necessary to determine the exact location of boundaries; a person contesting the determination shall have the opportunity to appeal the interpretation;
4. Provide available flood elevation and flood hazard information;
5. Determine whether additional flood hazard data shall be obtained from other sources or shall be developed by an applicant;
6. Review applications to determine whether proposed development will be reasonably safe from flooding;
7. Issue floodplain development permits or approvals for development other than buildings and structures that are subject to the Florida Building Code, including buildings, structures and facilities exempt from the Florida Building Code, when compliance with this ordinance is demonstrated, or disapprove the same in the event of noncompliance; and
8. Coordinate with and provide comments to the building official to assure that applications, plan reviews, and inspections for buildings and structures in flood hazard areas comply with the applicable provisions of this ordinance.

D. *Substantial improvement and substantial damage determinations.* For applications for building permits to improve buildings and structures, including alterations, movement, enlargement, replacement, repair, change of occupancy, additions, rehabilitations, renovations, substantial improvements, repairs of substantial damage, and any other improvement of or work on such buildings and structures, the floodplain administrator, in coordination with the building

official, shall:

1. Estimate the market value, or require the applicant to obtain an appraisal of the market value prepared by a qualified independent appraiser, of the building or structure before the start of construction of the proposed work; in the case of repair, the market value of the building or structure shall be the market value before the damage occurred and before any repairs are made;
2. Compare the cost to perform the improvement, the cost to repair a damaged building to its pre-damaged condition, or the combined costs of improvements and repairs, if applicable, to the market value of the building or structure;
3. Determine and document whether the proposed work constitutes substantial improvement or repair of substantial damage; and
4. Notify the applicant if it is determined that the work constitutes substantial improvement or repair of substantial damage and that compliance with the flood resistant construction requirements of the Florida Building Code and this ordinance is required.

E. *Modifications of the strict application of the requirements of the Florida Building Code.* The floodplain administrator shall review requests submitted to the building official that seek approval to modify the strict application of the flood load and flood resistant construction requirements of the Florida Building Code to determine whether such requests require the granting of a variance pursuant to section 110-70 of this ordinance.

F. *Notices and orders.* The floodplain administrator shall coordinate with appropriate local agencies for the issuance of all necessary notices or orders to ensure compliance with this ordinance.

G. *Inspections.* The floodplain administrator shall make the required inspections as specified in this ordinance for development that is not subject to the Florida Building Code, including buildings, structures and facilities exempt from the Florida Building Code. The floodplain administrator shall inspect flood hazard areas to determine if development is undertaken without issuance of a permit.

H. *Other duties of the floodplain administrator.* The floodplain administrator shall have other duties, including, but not limited to:

1. Establish, in coordination with the building official, procedures for administering and documenting determinations of substantial improvement and substantial damage made pursuant to subsection 110-30.D. of this ordinance;
2. Require that applicants proposing alteration of a watercourse notify adjacent communities and the Florida Division of Emergency Management, State Floodplain Management Office, and submit copies of such notifications to the Federal Emergency Management Agency (FEMA);
3. Require applicants who submit hydrologic and hydraulic engineering analyses to support permit applications to submit to FEMA the data and information necessary to maintain the Flood Insurance Rate Maps if the analyses propose to change base flood elevations, flood hazard area boundaries, or floodway designations; such submissions shall be made within six (6) months of such data becoming available;
4. Review required design certifications and documentation of elevations specified by articles 110, 115 and 120, and the Florida Building Code and this ordinance to determine that such certifications and documentations are complete;
5. Notify the Federal Emergency Management Agency when the corporate boundaries of The City of Parkland are modified; and

I. *Floodplain management records.* Regardless of any limitation on the period required for retention of public records, the floodplain administrator shall maintain and permanently keep and make available for public inspection all records that are necessary for the administration of this ordinance and the flood resistant construction requirements of the Florida Building Code, including flood insurance rate maps; letters of change; records of issuance of permits and denial of permits; determinations of whether proposed work constitutes substantial improvement or repair of substantial damage; required design certifications and documentation of elevations specified by the Florida Building Code and this ordinance; notifications to adjacent communities, FEMA, and the state related to alterations of watercourses; assurances that the flood carrying capacity of altered watercourses will be maintained; documentation related to appeals and variances, including justification for issuance or denial; and records of enforcement actions taken pursuant to this ordinance and the flood resistant construction requirements of the Florida Building Code. These records shall be available for public inspection at Building Division at the City of Parkland.

(Ord. No. 2015-09, § 2(Exh. A), 9-21-2015)

Sec. 110-40. - Permits.

A. *Permits required.* Any owner or owner's authorized agent (hereinafter "applicant") who intends to undertake any development activity within the scope of this ordinance, including buildings, structures and facilities exempt from the Florida Building Code, which is wholly within or partially within any flood hazard area shall first make application to the floodplain administrator, and the building official if applicable, and shall obtain the required permit(s) and approval(s). No such permit or approval shall be issued until compliance with the requirements of this ordinance and all other applicable codes and regulations has been satisfied.

B. *Floodplain development permits or approvals.* Floodplain development permits or approvals shall be issued pursuant to this ordinance for any development activities not subject to the requirements of the Florida Building Code, including buildings, structures and facilities exempt from the Florida Building Code. Depending on the nature and extent of proposed development that includes a building or structure, the floodplain administrator may determine that a floodplain development permit or approval is required in addition to a building permit.

C. *Floodplain development permits or approvals for improvements exempt from FBC* Buildings, structures and facilities exempt from the Florida Building Code. Pursuant to the requirements of federal regulation for participation in the National Flood Insurance Program (44 C.F.R. Sections 59 and 60), floodplain development permits or approvals shall be required for the following buildings, structures and facilities that are exempt from the Florida Building Code and any

further exemptions provided by law, which are subject to the requirements of this ordinance:

1. Railroads and ancillary facilities associated with the railroad.
2. Nonresidential farm buildings on farms, as provided in F.S. § 604.50.
3. Temporary buildings or sheds used exclusively for construction purposes.
4. Mobile or modular structures used as temporary offices.
5. Those structures or facilities of electric utilities, as defined in F.S. § 366.02, which are directly involved in the generation, transmission, or distribution of electricity.
6. Chickees constructed by the Miccosukee Tribe of Indians of Florida or the Seminole Tribe of Florida. As used in this paragraph, the term "chickee" means an open-sided wooden hut that has a thatched roof of palm or palmetto or other traditional materials, and that does not incorporate any electrical, plumbing, or other non-wood features.
7. Family mausoleums not exceeding two hundred fifty (250) square feet in area which are prefabricated and assembled on site or preassembled and delivered on site and have walls, roofs, and a floor constructed of granite, marble, or reinforced concrete.
8. Temporary housing provided by the Department of Corrections to any prisoner in the state correctional system.
9. Structures identified in F.S. § 553.73(10)(k), are not exempt from the Florida Building Code if such structures are located in flood hazard areas established on flood insurance rate maps.

D. *Application for a permit or approval.* To obtain a floodplain development permit or approval the applicant shall first file an application in writing on a form furnished by the community. The information provided shall:

1. Identify and describe the development to be covered by the permit or approval.
2. Describe the land on which the proposed development is to be conducted by legal description, street address or similar description that will readily identify and definitively locate the site.
3. Indicate the use and occupancy for which the proposed development is intended.
4. Be accompanied by a site plan or construction documents as specified in section 110-50 of this ordinance.
5. State the valuation of the proposed work.
6. Be signed by the applicant or the applicant's authorized agent.
7. Give such other data and information as required by the floodplain administrator.

E. *Validity of permit or approval.* The issuance of a floodplain development permit or approval pursuant to this ordinance shall not be construed to be a permit for, or approval of, any violation of this ordinance, the Florida Building Codes, or any other ordinance of this community. The issuance of permits based on submitted applications, construction documents, and information shall not prevent the floodplain administrator from requiring the correction of errors and omissions.

F. *Expiration.* A floodplain development permit or approval shall become invalid unless the work authorized by such permit is commenced within one hundred eighty (180) days after its issuance, or if the work authorized is suspended or abandoned for a period of one hundred eighty (180) days after the work commences. Extensions for periods of not more than one hundred eighty (180) days each shall be requested in writing and justifiable cause shall be demonstrated.

G. *Suspension or revocation.* The floodplain administrator is authorized to suspend or revoke a floodplain development permit or approval if the permit was issued in error, on the basis of incorrect, inaccurate or incomplete information, or in violation of this ordinance or any other ordinance, regulation or requirement of this community.

H. *Other permits required.* Floodplain development permits and building permits shall include a condition that all other applicable state or federal permits be obtained before commencement of the permitted development, including but not limited to the following:

1. The South Florida Water Management District; F.S. § 373.036.
2. Florida Department of Health for onsite sewage treatment and disposal systems; F.S. § 381.0065, and Chapter 64E-6, F.A.C.
3. Florida Department of Environmental Protection for activities subject to the Joint Coastal Permit; F.S. § 161.055.
4. Florida Department of Environmental Protection for activities that affect wetlands and alter surface water flows, in conjunction with the U.S. Army Corps of Engineers; Section 404 of the Clean Water Act.
5. Federal permits and approvals.

(Ord. No. 2015-09, § 2(Exh. A), 9-21-2015)

Sec. 110-50. - Site plans and construction documents.

A. *Information for development in flood hazard areas.* The site plan or construction documents for any development subject to the requirements of this ordinance shall be drawn to scale and shall include, as applicable to the proposed development:

1. Delineation of flood hazard areas, floodway boundaries and flood zone(s), base flood elevation(s), and ground elevations if necessary for review of the propose development.
2. Where base flood elevations, or floodway data are not included on the FIRM or in the flood insurance study, they shall be established in accordance with subsections 110-50.B.2. or B.3. of this ordinance.
3. Where the parcel on which the proposed development will take place will have more than fifty (50) lots or is larger than five (5) acres and the base flood elevations are not included on the FIRM or in the flood insurance study, such elevations shall be established in accordance with subsection 110-50.B.1. of this ordinance.
4. Location of the proposed activity and proposed structures, and locations of existing buildings and structures.
5. Location, extent, amount, and proposed final grades of any filling, grading, or excavation.
6. Where the placement of fill is proposed, the amount, type, and source of fill material; compaction specifications; a description of the intended purpose of the fill areas; and evidence that the proposed fill areas are the minimum necessary to achieve the intended purpose.
7. Existing and proposed alignment of any proposed alteration of a watercourse.

The floodplain administrator is authorized to waive the submission of site plans, construction documents, and other data that are required by this ordinance but that are not required to be prepared by a registered design professional if it is found that the nature of the proposed development is such that the review of such submissions is not necessary to ascertain compliance with this ordinance.

B. *Information in flood hazard areas without base flood elevations (approximate Zone A).* Where flood hazard areas are delineated on the FIRM and base flood elevation data have not been provided, the floodplain administrator shall:
   1. Require the applicant to include base flood elevation data prepared in accordance with currently accepted engineering practices.
   2. Obtain, review, and provide to applicants base flood elevation and floodway data available from a federal or state agency or other source or require the applicant to obtain and use base flood elevation and floodway data available from a federal or state agency or other source.
   3. Where base flood elevation and floodway data are not available from another source, where available the data are deemed by the floodplain administrator to not reasonably reflect flooding conditions, or where the available data are known to be scientifically or technically incorrect or otherwise inadequate:
   a. Require the applicant to include base flood elevation data prepared in accordance with currently accepted engineering practices; or
   b. Specify that the base flood elevation is two (2) feet above the highest adjacent grade at the location of the development, provided there is no evidence indicating flood depths have been or may be greater than two (2) feet.
   4. Where the base flood elevation data are to be used to support a letter of map change from FEMA, advise the applicant that the analyses shall be prepared by a Florida licensed engineer in a format required by FEMA, and that it shall be the responsibility of the applicant to satisfy the submittal requirements and pay the processing fees.

C. *Additional analyses and certifications.* As applicable to the location and nature of the proposed development activity, and in addition to the requirements of this section, the applicant shall have the following analyses signed and sealed by a Florida licensed engineer for submission with the site plan and construction documents:
   1. For development activities proposed to be located in a regulatory floodway, a floodway encroachment analysis that demonstrates that the encroachment of the proposed development will not cause any increase in base flood elevations; where the applicant proposes to undertake development activities that do increase base flood elevations, the applicant shall submit such analysis to FEMA as specified in subsection 110-50.D. of this ordinance and shall submit the conditional letter of map revision, if issued by FEMA, with the site plan and construction documents.
   2. For development activities proposed to be located in a riverine flood hazard area for which base flood elevations are included in the flood insurance study or on the FIRM and floodways have not been designated, hydrologic and hydraulic analyses that demonstrate that the cumulative effect of the proposed development, when combined with all other existing and anticipated flood hazard area encroachments, will not increase the base flood elevation more than one (1) foot at any point within the community. This requirement does not apply in isolated flood hazard areas not connected to a riverine flood hazard area or in flood hazard areas identified as Zone AO or Zone AH.
   3. For alteration of a watercourse, an engineering analysis prepared in accordance with standard engineering practices which demonstrates that the flood-carrying capacity of the altered or relocated portion of the watercourse will not be decreased, and certification that the altered watercourse shall be maintained in a manner which preserves the channel's flood-carrying capacity; the applicant shall submit the analysis to FEMA as specified in subsection 110-50.D. of this ordinance.

D. *Submission of additional data.* When additional hydrologic, hydraulic or other engineering data, studies, and additional analyses are submitted to support an application, the applicant has the right to seek a letter of map change from FEMA to change the base flood elevations, change floodway boundaries, or change boundaries of flood hazard areas shown on FIRMs, and to submit such data to FEMA for such purposes. The analyses shall be prepared by a Florida licensed engineer in a format required by FEMA. Submittal requirements and processing fees shall be the responsibility of the applicant.

(Ord. No. 2015-09, § 2(Exh. A), 9-21-2015)

Sec. 110-60. - Inspections.

A. *General.* Development for which a floodplain development permit or approval is required shall be subject to inspection.

B. *Development other than buildings and structures.* The floodplain administrator shall inspect all development to determine compliance with the requirements of this ordinance and the conditions of issued floodplain development permits or approvals.

C. *Buildings, structures and facilities exempt from the Florida Building Code.* The floodplain administrator shall inspect buildings, structures and facilities exempt from the Florida Building Code to determine compliance with the requirements of this ordinance and the conditions of issued floodplain development permits or approvals.

D. *Buildings, structures and facilities exempt from the Florida Building Code, lowest floor inspection.* Upon placement of the lowest floor, including basement, and prior to further vertical construction, the owner of a building, structure or facility exempt from the Florida Building Code, or the owner's authorized agent, shall submit to the floodplain administrator:

1. If a design flood elevation was used to determine the required elevation of the lowest floor, the certification of elevation of the lowest floor prepared and sealed by a Florida licensed professional surveyor; or
2. If the elevation used to determine the required elevation of the lowest floor was determined in accordance with paragraph 110-50.B.3. of this ordinance, the documentation of height of the lowest floor above highest adjacent grade, prepared by the owner or the owner's authorized agent.

E. *Buildings, structures and facilities exempt from the Florida Building Code, final inspection.* As part of the final inspection, the owner or owner's authorized agent shall submit to the floodplain administrator a final certification of elevation of the lowest floor or final documentation of the height of the lowest floor above the highest adjacent grade; such certifications and documentations shall be prepared as specified in subsection 110-60.D. of this ordinance.

F. *Manufactured homes.* The building official shall inspect manufactured homes that are installed or replaced in flood hazard areas to determine compliance with the requirements of this ordinance and the conditions of the issued permit. Upon placement of a manufactured home, certification of the elevation of the lowest floor shall be submitted to the building official.

(Ord. No. 2015-09, § 2(Exh. A), 9-21-2015)

Sec. 110-70. - Variances and appeals.

A. *General.* The City of Parkland Floodplain Administrator and Building Official shall hear and decide on requests for appeals and requests for variances from the strict application of this ordinance. Pursuant to F.S. § 553.73(5), the City of Parkland City Commission shall hear and decide on requests for appeals and requests for variances from the strict application of the flood resistant construction requirements of the Florida Building Code.

B. *Appeals.* The City of Parkland City Commission shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the floodplain administrator in the administration and enforcement of this ordinance. The city commission shall take into consideration the recommendations of the planning and zoning board. Any person aggrieved by the decision of City of Parkland City Commission may appeal such decision to the circuit court, as provided by Florida Statutes.

C. *Limitations on authority to grant variances.* The city commission shall base its decisions on variances on technical justifications submitted by applicants, the considerations for issuance in subsection 110-70.G. of this ordinance, the conditions of issuance set forth in subsection 110-70.H. of this ordinance, and the comments and recommendations of the City of Parkland Planning and Zoning Board, floodplain administrator and the building official. The city commission has the right to attach such conditions as it deems necessary to further the purposes and objectives of this ordinance.

D. *Restrictions in floodways.* A variance shall not be issued for any proposed development in a floodway if any increase in base flood elevations would result, as evidenced by the applicable analyses and certifications required in subsection 110-50.C. of this ordinance.

E. *Historic buildings.* A variance is authorized to be issued for the repair, improvement, or rehabilitation of a historic building that is determined eligible for the exception to the flood resistant construction requirements of the Florida Building Code, Existing Building, Chapter 11 Historic Buildings, upon a determination that the proposed repair, improvement, or rehabilitation will not preclude the building's continued designation as a historic building and the variance is the minimum necessary to preserve the historic character and design of the building. If the proposed work precludes the building's continued designation as a historic building, a variance shall not be granted and the building and any repair, improvement, and rehabilitation shall be subject to the requirements of the Florida Building Code.

F. *Functionally dependent uses.* A variance is authorized to be issued for the construction or substantial improvement necessary for the conduct of a functionally dependent use, as defined in this ordinance, provided the variance meets the requirements of subsection 110-70.D., is the minimum necessary considering the flood hazard, and all due consideration has been given to use of methods and materials that minimize flood damage during occurrence of the base flood.

G. *Considerations for issuance of variances.* In reviewing requests for variances, the City of Parkland Planning City Commission shall consider all technical evaluations, all relevant factors, all other applicable provisions of the Florida Building Code, this ordinance, and the following:

1. The danger that materials and debris may be swept onto other lands resulting in further injury or damage;
2. The danger to life and property due to flooding or erosion damage;
3. The susceptibility of the proposed development, including contents, to flood damage and the effect of such damage on current and future owners;
4. The importance of the services provided by the proposed development to the community;
5. The availability of alternate locations for the proposed development that are subject to lower risk of flooding or erosion;

6. The compatibility of the proposed development with existing and anticipated development;
7. The relationship of the proposed development to the comprehensive plan and floodplain management program for the area;
8. The safety of access to the property in times of flooding for ordinary and emergency vehicles;
9. The expected heights, velocity, duration, rate of rise and debris and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site; and
10. The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, streets and bridges.

H. *Conditions for issuance of variances.* Variances shall be issued only upon:

1. Submission by the applicant, of a showing of good and sufficient cause that the unique characteristics of the size, configuration, or topography of the site limit compliance with any provision of this ordinance or the required elevation standards;
2. Determination by the City of Parkland City Commission that:
   a. Failure to grant the variance would result in exceptional hardship due to the physical characteristics of the land that render the lot undevelopable; increased costs to satisfy the requirements or inconvenience do not constitute hardship;
   b. The granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, nor create nuisances, cause fraud on or victimization of the public or conflict with existing local laws and ordinances; and
   c. The variance is the minimum necessary, considering the flood hazard, to afford relief;
3. Receipt of a signed statement by the applicant that the variance, if granted, shall be recorded in the office of the clerk of the court in such a manner that it appears in the chain of title of the affected parcel of land; and
4. If the request is for a variance to allow construction of the lowest floor of a new building, or substantial improvement of a building, below the required elevation, a copy in the record of a written notice from the floodplain administrator to the applicant for the variance, specifying the difference between the base flood elevation and the proposed elevation of the lowest floor, stating that the cost of federal flood insurance will be commensurate with the increased risk resulting from the reduced floor elevation (up to amounts as high as twenty-five dollars ($25.00) for one hundred dollars ($100.00) of insurance coverage), and stating that construction below the base flood elevation increases risks to life and property.

(Ord. No. 2015-09, § 2(Exh. A), 9-21-2015)

Sec. 110-80. - Violations.

A. *Violations.* Any development that is not within the scope of the Florida Building Code but that is regulated by this ordinance that is performed without an issued permit, that is in conflict with an issued permit, or that does not fully comply with this ordinance, shall be deemed a violation of this ordinance. A building or structure without the documentation of elevation of the lowest floor, other required design certifications, or other evidence of compliance required by this ordinance or the Florida Building Code is presumed to be a violation until such time as that documentation is provided.

B. *Authority.* For development that is not within the scope of the Florida Building Code but that is regulated by this ordinance and that is determined to be a violation, the floodplain administrator is authorized to serve notices of violation or stop work orders to owners of the property involved, to the owner's agent, or to the person or persons performing the work.

C. *Unlawful continuance.* Any person who shall continue any work after having been served with a notice of violation or a stop work order, except such work as that person is directed to perform to remove or remedy a violation or unsafe condition, shall be subject to penalties as prescribed by law.

(Ord. No. 2015-09, § 2(Exh. A), 9-21-2015)

ARTICLE 115. - FLOODPLAIN MANAGEMENT DEFINITIONS

Sec. 115-10. - General.

A. *Scope.* Unless otherwise expressly stated, the following words and terms shall, for the purposes of this ordinance, have the meanings shown in this section.

B. *Terms defined in the Florida Building Code.* Where terms are not defined in this ordinance and are defined in the Florida Building Code, such terms shall have the meanings ascribed to them in that code.

C. *Terms not defined.* Where terms are not defined in this ordinance or the Florida Building Code, such terms shall have ordinarily accepted meanings such as the context implies.

(Ord. No. 2015-09, § 2(Exh. A), 9-21-2015)

Sec. 115-20. - Definitions.

Alteration of a watercourse. A dam, impoundment, channel relocation, change in channel alignment, channelization, or change in cross-sectional area of the channel or the channel capacity, or any other form of modification which may alter, impede, retard or change the direction and/or velocity of the riverine flow of water during conditions of the base flood.

Appeal. A request for a review of the floodplain administrator's interpretation of any provision of this ordinance or a request for a variance.

ASCE 24. A standard titled Flood Resistant Design and Construction that is referenced by the Florida Building Code. ASCE 24 is developed and published by the American Society of Civil Engineers, Reston, VA.

Base flood. A flood having a one-percent chance of being equaled or exceeded in any given year. [Also defined in FBC, B, Section 1612.2.] The base flood is commonly referred to as the "100-year flood" or the "one-percent-annual chance flood."

Base flood elevation. The elevation of the base flood, including wave height, relative to the National Geodetic Vertical Datum (NGVD), North American Vertical Datum (NAVO) or other datum specified on the Flood Insurance Rate Map (FIRM). [Also defined in FBC, B, Section 1612.2.]

Basement. The portion of a building having its floor subgrade (below ground level) on all sides. [Also defined in FBC, B, Section 1612.2.]

Design flood. The flood associated with the greater of the following two (2) areas: [Also defined in FBC, B, Section 1612.2.]

1. Area with a floodplain subject to a one-percent or greater chance of flooding in any year; or
2. Area designated as a flood hazard area on the community's flood hazard map, or otherwise legally designated.

Design flood elevation. The elevation of the "design flood," including wave height, relative to the datum specified on the community's legally designated flood hazard map. In areas designated as Zone AO, the design flood elevation shall be the elevation of the highest existing grade of the building's perimeter plus the depth number (in feet) specified on the flood hazard map. In areas designated as Zone AO where the depth number is not specified on the map, the depth number shall be taken as being equal to two (2) feet. [Also defined in FBC, B, Section 1612.2.]

Development. Any manmade change to improved or unimproved real estate, including, but not limited to, buildings or other structures, tanks, temporary structures, temporary or permanent storage of equipment or materials, mining, dredging, filling, grading, paving, excavations, drilling operations or any other land disturbing activities.

Encroachment. The placement of fill, excavation, buildings, permanent structures or other development into a flood hazard area which may impede or alter the flow capacity of riverine flood hazard areas.

Existing building and existing structure. Any buildings and structures for which the "start of construction" commenced before April 2, 1979. [Also defined in FBC, B, Section 1612.2.]

Existing manufactured home park or subdivision. A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before April 2, 1979.

Expansion to an existing manufactured home park or subdivision. The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

Federal Emergency Management Agency (FEMA). The federal agency that, in addition to carrying out other functions, administers the National Flood Insurance Program.

Flood or *flooding.* A general and temporary condition of partial or complete inundation of normally dry land from: [Also defined in FBC, B, Section 1612.2.]

1. The overflow of inland or tidal waters.
2. The unusual and rapid accumulation or runoff of surface waters from any source.

Flood damage-resistant materials. Any construction material capable of withstanding direct and prolonged contact with floodwaters without sustaining any damage that requires more than cosmetic repair. [Also defined in FBC, B, Section 1612.2.]

Flood hazard area. The greater of the following two (2) areas: [Also defined in FBC,B, Section 1612.2.]

1. The area within a floodplain subject to a one-percent or greater chance of flooding in any year.
2. The area designated as a flood hazard area on the community's flood hazard map, or otherwise legally designated.

Flood insurance rate map (FIRM). The official map of the community on which the Federal Emergency Management Agency has delineated both special flood hazard areas and the risk premium zones applicable to the community. [Also defined in FBC, B, Section 1612.2.]

Flood insurance study (FIS). The official report provided by the Federal Emergency Management Agency that contains the flood insurance rate map, the flood boundary and floodway map (if applicable), the water surface elevations of the base flood, and supporting technical data. [Also defined in FBC, B, Section 1612.2.]

Floodplain administrator. The office or position designated and charged with the administration and enforcement of this ordinance (may be referred to as the floodplain manager).

Floodplain development permit or approval. An official document or certificate issued by the community, or other evidence of approval or concurrence, which authorizes performance of specific development activities that are located in flood hazard areas and that are determined to be compliant with this ordinance.

Floodway. The channel of a river or other riverine watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot. [Also defined in FBC, B, Section 1612.2.]

Floodway encroachment analysis. An engineering analysis of the impact that a proposed encroachment into a floodway is expected to have on the floodway boundaries and base flood elevations; the evaluation shall be prepared by a qualified Florida licensed engineer using standard engineering methods and models.

Florida Building Code. The family of codes adopted by the Florida Building Commission, including: Florida Building Code, Building; Florida Building Code, Residential; Florida Building Code, Existing Building; Florida Building Code, Mechanical; Florida Building Code, Plumbing; Florida Building Code, Fuel Gas.

Functionally dependent use. A use which cannot perform its intended purpose unless it is located or carried out in close proximity to water, including only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities; the term does not include long term storage or related manufacturing facilities.

Highest adjacent grade. The highest natural elevation of the ground surface prior to construction next to the proposed walls or foundation of a structure.

Historic structure. Any structure that is determined eligible for the exception to the flood hazard area requirements of the Florida Building Code, Existing Building, Chapter 11, Historic Buildings.

Letter of map change (LOMC). An official determination issued by FEMA that amends or revises an effective flood insurance rate map or flood insurance study. Letters of map change include:

Letter of map amendment (LOMA): An amendment based on technical data showing that a property was incorrectly included in a designated special flood hazard area. A LOMA amends the current effective flood insurance rate map and establishes that a specific property, portion of a property, or structure is not located in a special flood hazard area; and

Letter of map revision (LOMR): A revision based on technical data that may show changes to flood zones, flood elevations, special flood hazard area boundaries and floodway delineations, and other planimetric features; and

Letter of map revision based on fill (LOMR-F): A determination that a structure or parcel of land has been elevated by fill above the base flood elevation and is, therefore, no longer located within the special flood hazard area. In order to qualify for this determination, the fill must have been permitted and placed in accordance with the community's floodplain management regulations; and

Conditional letter of map revision (CLOMR): A formal review and comment as to whether a proposed flood protection project or other project complies with the minimum NFIP requirements for such projects with respect to delineation of special flood hazard areas. A CLOMR does not revise the effective flood insurance rate map or flood insurance study; upon submission and approval of certified as-built documentation, a letter of map revision may be issued by FEMA to revise the effective FIRM.

Light-duty truck. As defined in 40 C.F.R. 86.082-2, any motor vehicle rated at eight thousand five hundred (8,500) pounds gross vehicular weight rating or less which has a vehicular curb weight of six thousand (6,000) pounds or less and which has a basic vehicle frontal area of forty-five (45) square feet or less, which is:

1. Designed primarily for purposes of transportation of property or is a derivation of such a vehicle, or
2. Designed primarily for transportation of persons and has a capacity of more than 12 persons; or
3. Available with special features enabling off-street or off-highway operation and use.

Lowest floor. The lowest floor of the lowest enclosed area of a building or structure, including basement, but excluding any unfinished or flood-resistant enclosure, other than a basement, usable solely for vehicle parking, building access or limited storage provided that such enclosure is not built so as to render the structure in violation of non-elevation requirements of the Florida Building Code or ASCE 24. [Also defined in FBC, B, Section 1612.2.]

Manufactured home. A structure, transportable in one (1) or more sections, which is eight (8) feet or more in width and greater than four hundred (400) square feet, and which is built on a permanent, integral chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include a "recreational vehicle" or "park trailer." [Also defined in 15C-1.0101, F.A.C.]

Manufactured home park or subdivision. A parcel (or contiguous parcels) of land divided into two (2) or more manufactured home lots for rent or sale.

Market value. The price at which a property will change hands between a willing buyer and a willing seller, neither party being under compulsion to buy or sell and both having reasonable knowledge of relevant facts. As used in this ordinance, the term refers to the market value of buildings and structures, excluding the land and other improvements on the parcel. Market value may be established by a qualified independent appraiser, actual cash value (replacement cost depreciated for age and quality of construction), or tax assessment value adjusted to approximate market value by a factor provided by the property appraiser.

New construction. For the purposes of administration of this ordinance and the flood resistant construction requirements of the Florida Building Code, structures for which the "start of construction" commenced on or after April 2, 1979 and includes any subsequent improvements to such structures.

New manufactured home park or subdivision. A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after April 2, 1979.

Park trailer. A transportable unit which has a body width not exceeding fourteen (14) feet and which is built on a single chassis and is designed to provide seasonal or temporary living quarters when connected to utilities necessary for operation of installed fixtures and appliances. [Defined in SC-1.0101, F.A.C.]

Recreational vehicle. A vehicle, including a park trailer, which is: [Defined in F.S. § 320.01(b).]

1. Built on a single chassis;
2. Four hundred (400) square feet or less when measured at the largest horizontal projection;
3. Designed to be self-propelled or permanently towable by a light duty truck; and
4. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

Special flood hazard area. An area in the floodplain subject to a one-percent or greater chance of flooding in any given year. Special flood hazard areas are shown on FIRMs as Zone A, AO, A1, A30, AE, A99, AH, V1, V30, VE or V. [Also defined in FBC, B Section 1612.2.]

Start of construction. The date of issuance for new construction and substantial improvements to existing structures, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement is within one hundred eighty (180) days of the date of the issuance. The actual start of construction means either the first placement of permanent construction of a building (including a manufactured home) on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns. Permanent construction does not include land preparation (such as clearing, grading, or filling), the installation of streets or walkways, excavation for a basement, footings, piers, or foundations, the erection of temporary forms or the installation of accessory buildings such as garages or sheds not occupied as dwelling units or not part of the main buildings. For a substantial improvement, the actual "start of construction" means the first alteration of any wall, ceiling, floor or other structural part of a building, whether or not that alteration affects the external dimensions of the building. [Also defined in FBC, B Section 1612.2.]

Substantial damage. Damage of any origin sustained by a building or structure whereby the cost of restoring the building or structure to its before-damaged condition would equal or exceed 50 percent of 751 the market value of the building or structure before the damage occurred. [Also defined in FBC, B Section 1612.2.]

Substantial improvement. Any repair, reconstruction, rehabilitation, addition, or other improvement of a building or structure, the cost of which equals or exceeds fifty (50) percent of the market value of the building or structure before the improvement or repair is started. If the structure has incurred "substantial damage," any repairs are considered substantial improvement regardless of the actual repair work performed. The term does not, however, include either: [Also defined in FBC, B, Section 759 1612.2.]

1. Any project for improvement of a building required to correct existing health, sanitary, or safety code violations identified by the building official and that are the minimum necessary to assure safe living conditions.
2. Any alteration of a historic structure provided the alteration will not preclude the structure's continued designation as a historic structure.

Variance. A grant of relief from the requirements of this ordinance, or the flood-resistant construction requirements of the Florida Building Code, which permits construction in a manner that would not otherwise be permitted by this ordinance or the Florida Building Code.

Watercourse. A river, creek, stream, channel or other topographic feature in, on, through, or over which water flows at least periodically.

(Ord. No. 2015-09, § 2(Exh. A), 9-21-2015)

ARTICLE 120. - FLOODPLAIN MANAGEMENT—STANDARDS FOR FLOOD-RESISTANT DEVELOPMENT

Sec. 120-10. - Buildings and structures.

A. *Design and construction of buildings, structures and facilities exempt from the Florida Building Code.* Pursuant to subsection 110-40.C. of this ordinance, buildings, structures, and facilities that are exempt from the Florida Building Code, including substantial improvement or repair of substantial damage of such buildings, structures and facilities, shall be designed and constructed in accordance with the flood load and flood resistant construction requirements of ASCE 24. Structures exempt from the Florida Building Code that are not walled and roofed buildings shall comply with the requirements of section 120-70 of this ordinance.

B. *Residential construction.* New construction or substantial improvement of any residential structure shall have the lowest floor, including basement, sunken living room, etc., elevated no lower than the base flood elevation (100-year storm event), or eighteen (18) inches above the crown of the public access road, whichever is greater.

(Ord. No. 2015-09, § 2(Exh. A), 9-21-2015)

Sec. 120-20. - Subdivisions.

A. *Minimum requirements.* Subdivision proposals, including proposals for manufactured home parks and subdivisions, shall be reviewed to determine that:
   1. Such proposals are consistent with the need to minimize flood damage and will be reasonably safe from flooding;
   2. All public utilities and facilities such as sewer, gas, electric, communications, and water systems are located and constructed to minimize or eliminate flood damage; and
   3. Adequate drainage is provided to reduce exposure to flood hazards; in Zones AH and AO, adequate drainage paths shall be provided to guide floodwaters around and away from proposed structures.

B. *Subdivision plats.* Where any portion of proposed subdivisions, including manufactured home parks and subdivisions, lies within a flood hazard area, the following shall be required:
   1. Delineation of flood hazard areas, floodway boundaries and flood zones, and design flood elevations, as appropriate, shall be shown on preliminary plat;
   2. Where the subdivision has more than fifty (50) lots or is larger than five (5) acres and base flood elevations are not included on the FIRM, the base flood elevations determined in accordance with paragraph 110-50.B.1 of this ordinance; and
   3. Compliance with the site improvement and utilities requirements of section 120-30 of this ordinance.

(Ord. No. 2015-09, § 2(Exh. A), 9-21-2015)

Sec. 120-30. - Site improvements, utilities and limitations

A. *Minimum requirements.* All proposed new development shall be reviewed to determine that:
   1. Such proposals are consistent with the need to minimize flood damage and will be reasonably safe from flooding;
   2. All public utilities and facilities such as sewer, gas, electric, communications, and water systems are located and constructed to minimize or eliminate flood damage; and
   3. Adequate drainage is provided to reduce exposure to flood hazards; in Zones AH and AO, adequate drainage paths shall be provided to guide floodwaters around and away from proposed structures.

B. *Sanitary sewage facilities.* All new and replacement sanitary sewage facilities, private sewage treatment plants (including all pumping stations and collector systems), and on-site waste disposal systems shall be designed in accordance with the standards for onsite sewage treatment and disposal systems in Chapter 64E-6, F.A.C. and ASCE 24 Chapter 7 to minimize or eliminate infiltration of floodwaters into the facilities and discharge from the facilities into floodwaters, and impairment of the facilities and systems.

C. *Water supply facilities.* All new and replacement water supply facilities shall be designed in accordance with the water well construction standards in Chapter 62-532.500, F.A.C. and ASCE 24 Chapter 7 to minimize or eliminate infiltration of floodwaters into the systems.

D. *Limitations on sites in regulatory floodways.* No development, including but not limited to site improvements, and land disturbing activity involving fill or regrading, shall be authorized in the regulatory floodway unless the floodway encroachment analysis required in subsection 110-50.D. of this ordinance demonstrates that the proposed development or land disturbing activity will not result in any increase in the base flood elevation.

E. *Limitations on placement of fill.* Subject to the limitations of this ordinance, fill shall be designed to be stable under conditions of flooding including rapid rise and rapid drawdown of floodwaters, prolonged inundation, and protection against flood-related erosion and scour. In addition to these requirements, if intended to support buildings and structures (Zone A only), fill shall comply with the requirements of the Florida Building Code.

(Ord. No. 2015-09, § 2(Exh. A), 9-21-2015)

Sec. 120-40. - Manufactured homes.

A. *[Licensed installer required.]* All manufactured homes installed in flood hazard areas shall be installed by an installer that is licensed pursuant to F.S. § 320.8249, and shall comply with the requirements of Chapter 15C-1, F.A.C. and the requirements of this ordinance.

B. *Foundations.* All new manufactured homes and replacement manufactured homes installed in flood hazard areas shall be installed on permanent, reinforced foundations that are designed in accordance with the foundation requirements of the Florida Building Code, Residential Section R322.2 and this ordinance.

C. *Anchoring.* All new manufactured homes and replacement manufactured homes shall be installed using methods and practices which minimize flood damage and shall be securely anchored to an adequately anchored foundation system to resist flotation, collapse or lateral movement. Methods of anchoring include, but are not limited to, use of over-the-top or frame ties to ground anchors. This anchoring requirement is in addition to applicable state and local anchoring requirements for wind resistance.

D. *Elevation.* Manufactured homes that are placed, replaced, or substantially improved shall comply with subsection 120-40.E. or F. of this ordinance, as applicable.

E. *General elevation requirement.* Unless subject to the requirements of subsection 120-40.F. of this ordinance, all manufactured homes that are placed, replaced,

or substantially improved on sites located:

1. Outside of a manufactured home park or subdivision;
2. In a new manufactured home park or subdivision;
3. In an expansion to an existing manufactured home park or subdivision; or
4. In an existing manufactured home park or subdivision upon which a manufactured home has incurred "substantial damage" as the result of a flood, shall be elevated such that the bottom of the frame is at or above the elevation required, as applicable to the flood hazard area, in the Florida Building Code, Residential Section R322.2 (Zone A).

F. *Elevation requirement for certain existing manufactured home parks and subdivisions.* Manufactured homes that are not subject to subsection 120-40.E. of this ordinance, including manufactured homes that are placed, replaced, or substantially improved on sites located in an existing manufactured home park or subdivision, unless on a site where substantial damage as result of flooding has occurred, shall be elevated such that either the:

1. Bottom of the frame of the manufactured home is at or above the elevation required, as applicable to the flood hazard area, in the Florida Building Code, Residential Section R322.2 (Zone A) or Section R322.3 (Zone V); or
2. Bottom of the frame is supported by reinforced piers or other foundation elements of at least equivalent strength that are not less than thirty-six (36) inches in height above grade.

G. *Enclosures.* Enclosed areas below elevated manufactured homes shall comply with the requirements of the Florida Building Code, Residential Section R322 for such enclosed areas.

H. *Utility equipment.* Utility equipment that serves manufactured homes, including electric, heating, ventilation, plumbing, and air conditioning equipment and other service facilities, shall comply with the requirements of the Florida Building Code, Residential Section R322, as applicable to the flood hazard area.

(Ord. No. 2015-09, § 2(Exh. A), 9-21-2015)

Sec. 120-50. - Recreational vehicles and park trailers.

A. *Temporary placement.* Recreational vehicles and park trailers placed temporarily in flood hazard areas shall:

1. Be on the site for fewer than one hundred eighty (180) consecutive days; or
2. Be fully licensed and ready for highway use, which means the recreational vehicle or park model is on wheels or jacking system, is attached to the site only by quick-disconnect type utilities and security devices, and has no permanent attachments such as additions, rooms, stairs, decks and porches.

B. *Permanent placement.* Recreational vehicles and park trailers that do not meet the limitations in subsection 120-50.A. of this ordinance for temporary placement shall meet the requirements of section 120-40 of this ordinance for manufactured homes.

(Ord. No. 2015-09, § 2(Exh. A), 9-21-2015)

Sec. 120-60. - Tanks.

A. *Underground tanks.* Underground tanks in flood hazard areas shall be anchored to prevent flotation, collapse or lateral movement resulting from hydrodynamic and hydrostatic loads during conditions of the design flood, including the effects of buoyancy assuming the tank is empty.

B. *Above-ground tanks, not elevated.* Above-ground tanks that do not meet the elevation requirements of subsection 120-60.C. of this ordinance shall be permitted in flood hazard areas (Zone A) other than coastal high hazard areas, provided the tanks are anchored or otherwise designed and constructed to prevent flotation, collapse or lateral movement resulting from hydrodynamic and hydrostatic loads during conditions of the design flood, including the effects of buoyancy assuming the tank is empty and the effects of flood-borne debris.

C. *Above-ground tanks, elevated.* Above-ground tanks in flood hazard areas shall be attached to, and elevated to, or above the design flood elevation on a supporting structure that is designed to prevent flotation, collapse or lateral movement during conditions of the design flood. Tank-supporting structures shall meet the foundation requirements of the applicable flood hazard area.

D. *Tank inlets and vents.* Tank inlets, fill openings, outlets and vents shall be:

1. At or above the design flood elevation or fitted with covers designed to prevent the inflow of floodwater or outflow of the contents of the tanks during conditions of the design flood; and
2. Anchored to prevent lateral movement resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy, during conditions of the design flood.

(Ord. No. 2015-09, § 2(Exh. A), 9-21-2015)

Sec. 120-70. - Other development.

A. *General requirements for other development.* All development, including manmade changes to improved or unimproved real estate for which specific provisions are not specified in this ordinance or the Florida Building Code, shall:

1. Be located and constructed to minimize flood damage;
2. Meet the limitations of subsection 120-30.D. of this ordinance if located in a regulated floodway;
3. Be anchored to prevent flotation, collapse or lateral movement resulting from hydrostatic loads, including the effects of buoyancy, during conditions of the design flood;
4. Be constructed of flood damage-resistant materials; and
5. Have mechanical, plumbing, and electrical systems above the design flood elevation, except that minimum electric service required to address life safety and electric code requirements is permitted below the design flood elevation provided it conforms to the provisions of the electrical part of building code for wet locations.

B. *Fences in regulated floodways.* Fences in regulated floodways that have the potential to block the passage of floodwaters, such as stockade fences and wire mesh fences, shall meet the limitations of subsection 120-30.D. of this ordinance.

C. *Retaining walls, sidewalks and driveways in regulated floodways.* Retaining walls and sidewalks and driveways that involve the placement of fill in regulated floodways shall meet the limitations of subsection 120-30.D. of this ordinance.

D. *Roads and watercourse crossings in regulated floodways.* Roads and watercourse crossings, including roads, bridges, culverts, low-water crossings and similar means for vehicles or pedestrians to travel from one side of a watercourse to the other side, that encroach into regulated floodways shall meet the limitations of subsection 120-30.D. of this ordinance. Alteration of a watercourse that is part of a road or watercourse crossing shall meet the requirements of paragraph 110-50.C.3. of this ordinance.

(Ord. No. 2015-09, § 2(Exh. A), 9-21-2015)

ARTICLE 125. - PINE TREE ESTATES STORMWATER MANAGEMENT AND DRAINAGE

Sec. 125-10. - Application of article.

A. This article shall be effective within and pertains to that portion of Pine Tree Estates north of Holmberg Road attached hereto by reference.

B. This article shall be effective within that portion of Pine Tree Estates south of Holmberg Road (as per the legal description in ordinance no. 19 of the city) which is in the south one-half of Sections 1 and 2 of Township 48 south and Range 41 east; except a rear drainage swale will not be required for lots adjacent to the West Canal. As used in this article, the term "lot" refers to all lots (as per the unrecorded plat of Pine Tree Estates) which are located within the above-described effective area of this chapter.

(Ord. No. 2015-09, § 2(Exh. A), 9-21-2015)

Editor's note— The attachment referenced in this section is not included herein but is available in the office of the city clerk.

Sec. 125-20. - Drainage plan.

As a condition precedent to the granting of any building permit, an applicant must submit for approval a drainage plan designed to effect a runoff of all surface water to the side and main drainage swales on applicant's lot in accordance with original Pine Tree Estates Swale and Drainage Plan. In effectuating a main drainage plan, clean fill, free of organic or foreign material, must be used; however, nothing herein shall be construed to prevent an owner from utilizing existing fill on his/her lot so long as said fill is not considered deleterious material or mucky so as to prevent proper water percolation. The city engineer shall have the authority to require said drainage plan to be signed and sealed by a State of Florida Professional Engineer if at the city's engineer's discretion said signature and seal are warranted, in which case plans shall be accompanied by applicable supporting calculations. These calculations and designs shall be in compliance with the South Florida Water Management District's Permit Information Manual as revised from time to time, Permit Critical Manual for Stormwater Management Regulations, standards and procedures for the Pine Tree Water Control District (PTWCD), and/or City of Parkland drainage standards as revised from time to time, whichever is more stringent. In addition, the city engineer may require any other documentation including, but not limited to, permits and licenses issued by any agency having jurisdiction.

Plans must be submitted to the Pine Tree Water Control District for review. A non-objection letter from the district must be provided to the city as a condition to obtain a building permit.

(Ord. No. 2015-09, § 2(Exh. A), 9-21-2015; Ord. No. 2016-20, § 2, 12-21-2016)

Editor's note— A copy of the Pine Tree Estates Drainage and Swale Plan as well as engineering standards for the Pine Tree Estates is available on the City of Parkland Engineering Department website.

Sec. 125-30. - Dedication of drainage easements.

A. *Dedication required.* As a condition precedent to obtaining any building permit for any lot, or upon sale or transfer of any lot, an owner shall dedicate to the city such drainage easements as hereinafter required, and shall pay any special assessment certified against said owner's lot as hereinafter provided.

B. *Side lot line easement specifications.* Side drainage easements, five (5) feet in width with minimum slopes of three-tenths (0.3) percent, extending from the side pr lines of each lot, and running in an east and west direction (towards the main drainage swale at the rear of the lot) on both the north and south lot lines, with side of four (4) to one (1) or flatter shall be required.

C. *Side lot line easements for corner lots.* For corner lots, no side drainage easement will be required along any lot line adjacent to a street. If an owner wishes to construct one (1) residence on two (2) or more contiguous lots, then such combined lots shall be treated as one (1) lot for purposes of drainage plans and dedication of side drainage easements; however, no such combination of lots will affect the requirements for dedication of main drainage easements in respect to each lot (as per the unrecorded plat of Pine Tree Estates).

D. *Subdivision of lots.* Any future subdivision of such combined lots shall be subject to dedication of additional side drainage easements as required.

E. *Rear lot line drainage easement specifications.* A rear drainage and utility easement, seventeen and five-tenths (17.5) feet in width with minimum slopes of three-tenths (0.3) percent, extending from the rear property line of each lot, and running in a north and south direction along the rear property line, shall be required.

F. *City to obtain easements.* The city shall seek to obtain the required easements either by dedication, condemnation or any other appropriate legal action. The city is authorized to expend the necessary funds to secure the necessary easements. All expenditures shall be ratable assessed as part of the project.

(Ord. No. 2015-09, § 2(Exh. A), 9-21-2015; Ord. No. 2016-20, § 2, 12-21-2016)

Sec. 125-40. - Construction and maintenance of side and main drainage swales.

A. *Lot owner obligations.*

1. Each lot owner shall be responsible for constructing and maintaining his drainage swales in such condition so as to cause all surface water collecting on his lot to flow to the side swales and from there to the main drainage swale on his lot. The location, design and dimensions of the main drainage swales shall be in accordance with engineering plans to be approved by the city engineer.
2. Each lot owner shall also be responsible for planting his drainage swales with grass seed or sod and maintaining the same in a mowed condition.

B. *Option for city to construct.* The city at its sole discretion may choose to construct all or part of a main drainage swale and finance the costs in accordance with the provisions of F.S. ch. 170, or in any other manner permitted by law. Additional or unforeseen costs may be subsequently assessed and collected if the original cost estimate for a particular block was inadequate.

C. *Encroachments.* No structures shall be located within drainage easements prior to obtaining city authorization in accordance with article 145, permits, fees and bonds.

D. *Failure of lot owner to maintain.* In the event any lot owner does not properly maintain his swales in accordance herewith, such swales may be maintained by the city fifteen (15) days after posting notice in a conspicuous place on the subject property and/or mailing a copy thereof to the last known address of the lot owner, and the cost thereof paid by said owner. If the lot owner does not pay such cost within thirty (30) days after the date of billing by the city, the city shall have a lien for such cost which may be foreclosed against the lot owner in the same manner as other unpaid municipal liens.

(Ord. No. 2015-09, § 2(Exh. A), 9-21-2015; Ord. No. 2016-20, § 2, 12-21-2016)

Sec. 125-50. - Elevation.

A. The top of the lowest slab (with plumbing) upon which the residence is built shall be in accordance with article 120, standards for flood hazard reduction, unless specified otherwise by the county health department.

B. The top of any septic tank shall be located at an elevation no lower than twelve (12) inches below the elevation of the finished floor of the house slab, unless specified otherwise by the county health department.

(Ord. No. 2015-09, § 2(Exh. A), 9-21-2015)

Sec. 125-60. - Prerequisite to certificate of occupancy.

In addition to all other sections listed in this article, the city shall require an eight-inch deep (in relation to the crown of the road) street swale the width of the lot within the fifty-foot road easement adjacent to the pavement, prior to certificate of occupancy.

(Ord. No. 2015-09, § 2(Exh. A), 9-21-2015; Ord. No. 2016-20, § 2, 12-21-2016)

Sec. 125-70. - Vehicles prohibited on swales.

A. No person shall drive or maintain any vehicle on, over or across the main drainage swales as defined in section 125-40, construction and maintenance of side and main drainage swales, except for authorized city-owned vehicles and normal lawn maintenance equipment owned by adjacent lot owners.

B. Any person who violates the term, condition or provision of this section shall be liable upon conviction by a court of competent jurisdiction to a fine not to exceed five hundred dollars ($500.00) or by imprisonment not to exceed ninety (90) days, or both.

(Ord. No. 2015-09, § 2(Exh. A), 9-21-2015)

Sec. 125-80. - Effect.

The ordinance from which this article was derived shall become effective immediately upon enactment and shall apply equally to all lots, except that sections 125-20 and 125-50 shall not apply to any lot upon which construction of a residence has been commenced prior to December 7, 1977.

(Ord. No. 2015-09, § 2(Exh. A), 9-21-2015)

Sec. 125-90. - Subsequent construction and assessment of costs.

Any construction subsequently determined by the city to be necessary for the effective functioning of the drainage system on a particular block may be performed by the city and financed in accordance with the provisions of F.S. ch. 170.

(Ord. No. 2015-09, § 2(Exh. A), 9-21-2015)

Sec. 125-100. - Variance and appeal procedures.

A. *Variance procedure.* Requests for variances from the requirements of this article shall be processed and decided pursuant to article 55, relief and appeal procedures, except as otherwise provided in this section.

B. *Appeal procedure.* Appeals of an administrative decision, where it is alleged there is an error in any requirement, decision, or determination made by the city in the enforcement or administration of this article, shall be processed pursuant to article 55, relief and appeal procedures, except as otherwise provided in this section.

C. *Considerations.* In passing upon such applications, the deciding board shall consider all technical evaluations, all relevant factors, standards specified in other sections of this chapter, and:

1. The danger that materials may be swept onto other lands to the injury of others;
2. The danger to life and property due to flooding or erosion damage;
3. The safety of access to the property in times of flood for ordinary and emergency vehicles;
4. The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, and streets and bridges;
5. The adverse effect, if any, on other properties.

E. *Criteria for the granting of variances:*

1. A showing of good and sufficient cause;
2. A determination that failure to grant the variance would result in exceptional hardship to the applicant;
3. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances;
4. A signed, sealed affidavit from a Florida-registered professional engineer, which states that the granting of said variance will not adversely affect drainage on the subject property and that no other property in the city will be adversely affected in any manner from the granting of the requested variance.

(Ord. No. 2015-09, § 2(Exh. A), 9-21-2015)

ARTICLE 130. - STREETS, SIDEWALKS AND OTHER PUBLIC PLACES

Sec. 130-10. - Vegetative encroachment on public rights-of-way.

A. *Encroachment prohibited.* No person shall permit any trees, bushes, shrubs, or other vegetative matter growing on his property to encroach upon the public rights-of-way within the City of Parkland in such a way as to interfere with traffic. Overhanging branches or tree limbs or other similar extrusions from plant life shall be considered to be an encroachment prohibited by this section.

B. *Right of city to remove at owner's cost.* If any person shall permit such vegetative encroachment as is prohibited by this section, the city may take such actions as may be necessary to remove such vegetative encroachment fifteen (15) days after mailing a notice to the last known address of the lot owner, certified mail, return receipt requested. The cost of such removal shall be assessed against the lot owner.

C. *Failure to reimburse city for cost of removal.* If the lot owner does not pay such cost within thirty (30) days after the date of billing by the city, the city shall have a lien upon the property for the costs of such removal which lien may be foreclosed against the lot owner in the same manner as other unpaid municipal liens. The charge and liens provided for herein shall bear interest at the legal rate.

(Ord. No. 2015-09, § 2(Exh. A), 9-21-2015)

Sec. 130-20. - Sidewalks, multi-use paths/trails, and bicycle lanes.

A. *Permit required.* No construction of sidewalks, multi-use paths/trails, and/or bicycle lanes shall be started until an engineering permit for the proposed installation has been granted by the city engineer. Violation of this section is a misdemeanor, punishable as provided by law.

B. *Design standards.* Sidewalks shall be constructed in compliance with the design standards of any agencies having jurisdiction including, but not limited to, the American with Disabilities Act (ADA), Florida Department of Transportation, Broward County, and the City of Parkland as may be amended from time to time.

C. *Minimum width.* Minimum sidewalk width shall be six (6) feet on public roads and four (4) feet on private roads. Sidewalk widths may be required to be greater than six (6) feet when large pedestrian volumes are anticipated or in accordance with the city's comprehensive plan or adopted multi-use trails plan as may be amended from time to time.

D. *Minimum construction standards.* All sidewalks shall be constructed of Portland concrete (three thousand (3,000) psi) and not less than four (4) inches thick except at driveways which shall be not less than six (6) inches thick.

E. *Cross-access.* Sidewalks shall incorporate pedestrian cross-access at intersections in compliance with the American with Disabilities Act (ADA), Broward County, Florida Department of Transportation, City of Parkland and/or any other agencies having jurisdiction.

F. *Multi-use path construction standards.* Multi-use paths/trails shall be constructed in compliance with the design standards of any agencies having jurisdiction, including, but not limited to, the American with Disabilities Act (ADA), Florida Department of Transportation, Broward County, and the City of Parkland, including section 35-10.M., adequacy of multipurpose trails and pedestrian circulation system.

G. *Multi-use path in lieu of sidewalk.* A multi-use pedestrian/bicycle path with a minimum width of six (6) feet and constructed within an adjacent public or private right-of-way may be used in lieu of the required sidewalk.

H. *Bicycle lane construction standards.* Bicycle lanes on new and existing roadways shall be constructed in accordance with Florida Department of Transportation, Broward County, and City of Parkland standards.

(Ord. No. 2015-09, § 2(Exh. A), 9-21-2015)

ARTICLE 135. - ENGINEERING STANDARDS

DIVISION 1. - GENERAL PROVISIONS

Sec. 135-05. - Title.

This body of regulations shall be known as "The City of Parkland Engineering Standards," and may be referred to as the "minimum standards" or "city standards," as is done hereinafter. Refer also to section 45-50, subdivision design standards, for additional standards.

(Ord. No. 2015-09, § 2(Exh. A), 9-21-2015)

Sec. 135-10. - Intent and applicability.

A. The intent of the minimum standards is to provide for the safe and orderly use and development of public and private rights-of-way and easements within the city limits of the City of Parkland, as well as for lands developed for public or commercial/industrial use, to the end that the needs and interest of the public are served as fully and efficiently as possible.

B. Any permit issued prior to the effective date of the ordinance from which these minimum standards is derived shall be valid on the terms under which it was issued provided construction has begun, except that such permit shall be subject to the provisions of article 145, permits, fees and bonds.

C. This chapter shall apply to and be enforced in all areas of the city.

(Ord. No. 2015-09, § 2(Exh. A), 9-21-2015; Ord. No. 2019-012, § 3, 10-16-2019)

Sec. 135-15. - Application to existing facilities.

With the exception of conditions described in section 135-20, roads to conform to latest city standards, the provisions of the minimum standards do not apply to the existing facilities in the public rights-of-way, but do apply to any alteration, extension or maintenance performed upon them from the effective date of the ordinance from which these regulations is derived, forward.

(Ord. No. 2015-09, § 2(Exh. A), 9-21-2015)

Sec. 135-20. - Roads to conform to latest city standards.

Where roads are being constructed or reconstructed to city standards, existing utilities within the right-of-way may have to be modified or relocated to meet new requirements should they conflict with proposed construction. These changes will have to be made in accordance with the latest applicable standards.

(Ord. No. 2015-09, § 2(Exh. A), 9-21-2015)

Sec. 135-25. - Abbreviations and acronyms.

The following abbreviations and acronyms are used throughout this article:

AASHTO means American Association of State Highway and Transportation Officials. Any reference to AASHTO standards shall be taken to mean the most recently published revision unless otherwise specified.

ADA means American with Disabilities Act. Any reference to ADA standards shall be taken to mean the most recently published revision unless otherwise specified.

ANSI means American National Standards Institute. Any reference to ANSI standards shall be taken to mean the most recently published revision unless otherwise specified.

ASTM means American Society for Testing Materials. Any reference to ASTM standards shall be taken to mean the most recently published revision unless otherwise specified.

AWWA means American Water Works Association. Any reference to AWWA Standards shall be taken to mean the most recently published revision unless otherwise specified.

DIPRA means Ductile Iron Pipe Research Association.

FDEP means the Florida Department of Environmental Protection.

FDOT means the Florida Department of Transportation.

Manual on Uniform Traffic Control Devices (MUTCD) means the United States Department of Transportation Manual on Traffic Control Devices, latest edition.

NEMA means National Electrical Manufacturers Association. Any reference to NEMA standards will be taken to mean the most recently published revision unless otherwise specified.

NPDES means National Pollutant Discharge Elimination System.

NSF means National Sanitation Foundation. Any reference to NSF standards shall be taken to mean the most recently published revision unless otherwise specified.

NSID means North Springs Improvement District.

OSHA means the Federal Occupational Safety and Health Administration.

PPFA means Plastic Pipe and Fitting Association. Any reference to PPFA standards shall be taken to mean the most recently published revision, unless otherwise specified.

PTWCD means Pine Tree Water Control District.

SFWMD means South Florida Water Management District.

(Ord. No. 2015-09, § 2(Exh. A), 9-21-2015; Ord. No. 2019-012, § 3, 10-16-2019)

Sec. 135-30. - Standards stated to be mandatory.

In addition to the provisions of the standards stated to be mandatory, all recommendations, suggestions or preference so stated in the standards shall also be considered mandatory.

(Ord. No. 2015-09, § 2(Exh. A), 9-21-2015)

Sec. 135-35. - Method of installation of materials or equipment.

Where the method of installation of materials or equipment is not specified in the minimum standards, the installation shall be in accordance with the manufacturer's recommendations or specifications and/or as approved by the city engineer.

(Ord. No. 2015-09, § 2(Exh. A), 9-21-2015)

Sec. 135-40. - Authorization to review design.

The city engineer shall be duly authorized to review, and subsequently approve or reject, any design methodology proposed by the engineer of record that deviates from the city's adopted standards subject to using a methodology that is not contrary to industry standards or violates any national, state, county or local regulations. The engineer of record and/or developer and/or contractor shall be held accountable for any deficiencies resulting from the work performed and shall be responsible for any necessary repairs. Said repairs shall meet or exceed applicable state, county, and/or local regulations, whichever is more stringent.

(Ord. No. 2015-09, § 2(Exh. A), 9-21-2015)

Sec. 135-45. - Approvals.

Where any term such as "approved," "or equal," "accepted" or "permitted" appears in this document, it shall be construed to mean "by or in the judgment of the city engineer," unless specifically noted otherwise.

(Ord. No. 2015-09, § 2(Exh. A), 9-21-2015)

Sec. 135-50. - Plans and specifications requirements.

A. *Plan dimensions and scale.* All plans shall comply with the following general requirements, unless prior approval for exceptions has been received in writing from the city engineer:
   1. Plans to be on white twenty-four-inch by thirty-six-inch prints with black or blue lines.
   2. Minimum border of one-half (½) inch on top, bottom, and right side, and one and one-half (1½) inch on left border.
   3. Location map at scale of one (1) inch equals five hundred (500) feet or larger.
   4. Detailed plans should be at following scale:

      Roadway plans: One (1) inch = twenty (20) feet

      Subdivision roadway plans: One (1) inch = forty (40) feet

      Utility plans: One (1) inch = twenty (20) feet to one (1) inch = forty (40) feet

      Utility profiles: Horizontal: Same as plan; vertical: One-tenth (1/10) of plan

B. *Information to be included on plans.* All plans shall include the following information, unless prior approval for exceptions has been received in writing from the city engineer.
   1. Project title, engineer's name, signature and seal.
   2. All proposed and existing facilities (for utilities, include proposed and existing profiles). Utility placement shall be designed in accordance with the most practical and cost effective diagram and shall be in compliance with all the adopted standards of the government agency having jurisdiction.
   3. Names and boundaries of rights-of-way and of all abutting subdivisions, including plat book, page, tract, and lot and block numbers.
   4. Section, township and range of abutting areas which are not platted.
   5. Dimensions of rights-of-way and easements.
   6. Minimum of one (1) accessible NAVD 88 benchmark per fifty (50) acres.
   7. Suitable legend, general notes, and as-built standards.
   8. For water and sewage facilities only: include main sizes, materials, dimensioned locations, valves, hydrants, manholes, tees, crosses, wyes, bends, and approximate locations of laterals.
   9. For pavement and roadways: include cross sections or typical sections of roads and drainage with dimensioned locations. Also include design speed.
   10. Proposed pavement shall be indicated by notes or light shading.

(Ord. No. 2015-09, § 2(Exh. A), 9-21-2015)

Sec. 135-55. - Final engineer's certification.

A. *Certification required.* After all required improvements have been installed, the owner shall have the engineer of record submit certification to the city that the improvements have been constructed according to the City of Parkland Code and standard details, ADA requirements, approved plans/specifications and all other requirements set forth by agencies having jurisdiction, based on inspections of the site and review of as-built drawings.

B. *As-built record drawings.* As-builts shall be signed and sealed by a land surveyor registered in the State of Florida and approved by the engineer of record. As-built plans shall be submitted as follows: Two (2) sets of plans on bond paper measuring twenty-four (24) by thirty-six (36) inches, and one (1) complete set of as-builts in digital format (AutoCAD and PDF). The digital file shall be compatible with the city's system. The as-builts shall comply with the following requirements:
   1. Storm drainage record drawings shall include:
      a. The size and type of pipe used;
      b. Length of pipe runs from center of structure to center of next structure, including type and size of each structure and its location with reference to property lines and/or the street centerline;
      c. Top of rim elevations of grate lid elevations of manholes and invert elevations of all pipes;

d. Inverts of swales shown at fifty-foot intervals coinciding with pavement interval elevations;
e. Cross section drawings of the lakes, canals and canal banks within and adjacent to the development at two hundred-foot intervals.

2. Pavement record drawings shall include:
   a. Finish grades at the edge of finished asphalt and centerline at longitudinal intervals of not more than fifty (50) feet, street intersections and/or all changes in gradient.
   b. Top of rim elevations of all drainage structures.
3. 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 (if applicable).
4. Engineering and construction certification submittals. This document is intended to set minimum city criteria on project submittals. Additional submittals may be required as determined by the City of Parkland Code of Ordinances, and the city engineer.
5. Water distribution system:
   a. Acceptable hydrostatic test results provided by the engineer of record.
   b. Approved bacteriological test results from FDEP. Water samples must be taken in two (2) consecutive days and witnessed by the water services provider (i.e., Coconut Creek, NSID, Parkland utilities), city engineer and the engineer of record.
   c. Backfill and/or subgrade compaction test results.
   d. Certification letter by the engineer of record indicating that the water distribution system has been installed in accordance with applicable regulations and approved plans.
   e. Prior to final engineer inspection, submit as-built record drawings in accordance with section 135-55.B.
   f. Provide the city with a letter of approval from FDEP (or authorized agency), water services providers (i.e. Coconut Creek, NSID, Parkland Utilities) and county authorities for water usage as applicable.
   g. Provide the city with the engineer of record's certified actual construction cost of the site development improvements.
   h. Water meter set fee and deposit charges are to be paid in full to the proper service provider before the installation of each water meter.
   i. For pavement restoration activities, provide the city with base rock as-builts prior to paving.
6. Sewer collection and transmission system:
   a. The engineer of record shall provide the city with a certified final sewer lamping report.
   b. Prior to final engineer inspection, submit as-built record drawings in accordance with section 135-55.B.
   c. Certification letter by the engineer of record indicating that the sewer collection and transmission system has been installed in accordance with the applicable regulations and approved plans.
   d. Provide the city with the engineer of record's certified actual construction cost of the sewer collection and transmission system.
   e. Provide the city with the lift station operation report, spare parts, and all maintenance manuals.
   f. Acceptable hydrostatic test results on force mains certified by the engineer of record.
   g. Field density test reports certified by an engineer registered in the State of Florida on backfill in trenches and around manholes, complete with test locations and elevations.
   h. Provide the city with a letter of approval from FDEP (or authorized agency), sewer services providers (i.e., Coconut Creek, NSID, Parkland Utilities) and county authorities for sewer usage.
   i. For pavement restoration activities, provide the city with base rock as-builts prior to paving.
7. Paving and drainage system:
   a. Field density test reports certified by an engineer registered in the State of Florida on all subgrade, base rock course, and backfill for pipe trenches, manholes and other substructures.
   b. Base rock and asphaltic concrete analysis.
   c. Inspection report on the drainage system certified by the engineer of record.
   d. Prior to final engineer inspection, submit as-built record drawings in accordance with section 135-55.B.
   e. Certification letter by the engineer of record indicating that all of the paving, grading, and drainage systems have been constructed in accordance with applicable regulations and approved plans.
   f. Provide the city with the engineer of record's certified actual construction cost of all paving, grading, and drainage construction.
   g. Provide the city a copy of concrete cylinder reports certified by an engineer registered in the State of Florida.
   h. Provide the city with a letter of approval from drainage services providers (i.e., FDEP, NSID, PTWCD, SFWMD) and county authorities for drainage usage.
8. Miscellaneous:

a. All easements (including utility, ingress/egress, maintenance, etc.).

b. Release of liens from contractor and all subcontractors.

(Ord. No. 2015-09, § 2(Exh. A), 9-21-2015; Ord. No. 2019-012, § 3, 10-16-2019)

Sec. 135-60. - Review or revision of city standards.

Any request for review or revision of these standards shall be made to the city engineer in writing, referring to the item to be considered and setting forth the objections and suggestions for revision. The person requesting a review or revision of city standards shall bear the burden of proof and shall provide any necessary back up documentation as requested. The city shall not be liable for any costs incurred as a result of such request nor shall the city be held responsible for the costs of repairs, renovations, or replacements resulting from such review.

(Ord. No. 2015-09, § 2(Exh. A), 9-21-2015)

DIVISION 5. - STORMWATER REGULATIONS

Sec. 135-510. - Stormwater management regulations.

Adequate provisions shall be made for the management of stormwater, including erosion and sediment control, in accordance with the requirements of the City of Parkland, the Pine Tree Water Control District, North Springs Improvement District, the South Florida Water Management District (SFWMD), Florida Department of Environmental Protection (FDEP), Broward County 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 cleanup 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 pipes, canals or lakes.

A. *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 Florida Department of Environmental Protection (FDEP) shall be considered sufficient for permitting by the city.

B. *Water quality standards.* All runoff from any construction site flowing into a pipe or any water body controlled by the City of Parkland or any other agency with jurisdiction within the city 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 article V, entitled "Water Resource Management," of the Broward County Code of Ordinances as amended from time to time.

C. *Violations and penalties.* Any person or entity found in violation of this section after notice and failure to immediately correct shall pay a fine of one hundred dollars ($100.00). Any person or entity which allows said violation to continue beyond twenty-four (24) hours after notification shall pay an additional fine of two hundred fifty dollars ($250.00). Any person or entity who allows said violation to continue beyond forty-eight (48) hours shall pay a fine of one thousand dollars ($1,000.00), and for each day of violation 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 stop work orders if the violation is of a serious nature, affecting health, safety and welfare of the residents or environment.

D. *Use of funds.* Funds collected from the fines shall be deposited in the general fund for the purpose of providing stormwater management in accordance with the city's NPDES MS4 permit.

(Ord. No. 2015-09, § 2(Exh. A), 9-21-2015)

Sec. 135-520. - Water bodies.

A. *Purpose.* Water bodies are an integral part of the city's stormwater management system and require effective maintenance in order to ensure maximum capacity and flow during heavy rain events. Water bodies for the purpose of this section shall include, but not be limited to, lakes, ponds, canals, drainage ditches, streams, and wet retention areas.

B. *Maintenance.* All water bodies within the city shall be maintained properly. No changes to a water body shall be permitted that decreases approved design capacity or inhibits its ability to flow properly. The following regulations shall apply:

1. Water bodies shall be maintained in a manner that is free from debris and excessive aquatic plant growth. Spraying of aquatic plants shall conform with all federal, state, and local rules and regulations.
2. Water bodies shall be maintained in a manner that causes such water body to retain its original design capacity and flow characteristics.
3. Privately owned water bodies shall not be constructed or maintained in a manner that overburdens existing public drainage canals and/or drainage facilities, thereby creating flooding, unsightly and/or unsanitary conditions within the city.

4. No property owner shall connect to or cause water to temporarily or permanently flow from their property to any city owned water body or drainage facility wi obtaining appropriate permits from the city and all other entities having jurisdiction including, but not limited to, Broward County and the South Florida Water Management District.
5. No property owner shall manually or mechanically discharge or pump water from their property into any city owned water body or drainage facility. Under a locally declared state of emergency the city manager or his/her designee shall have the authority to temporarily waive this provision provided the affected water body or drainage facility has the capacity to handle additional water without creating or exacerbating a flooding or unsanitary condition within the public right-of-way.

C. *Violations and penalties.* Any person or entity found in violation of this section shall pay a fine of up to five hundred dollars ($500.00) per day. Each day the violation occurs or the violative condition exists shall be a separate violation. The fines in this section are in addition to any fines that may be imposed by other agencies having jurisdiction over such activities.

D. *Use of funds.* Funds collected from the fines shall be deposited in the general fund for the purpose of providing stormwater management in accordance with the city's NPDES MS4 permit.

(Ord. No. 2015-09, § 2(Exh. A), 9-21-2015)

Sec. 135-530. - Drainage.

A. *Standards.*

1. All drainage work within rights-of-way and easements shall be designed and constructed in accordance with the City of Parkland Minimum Design and Construction Standards, as well as the applicable regulations of all agencies having jurisdiction. The agencies that may have jurisdiction include the South Florida Water Management District (SFWMD), Broward County Environmental Protection Department (EPD), the Florida Department of Transportation (FDOT), North Springs Improvement District (NSID), Pinetree Water Management Control District (PTWCD), Parkland Utilities and others, as appropriate. Notwithstanding any other regulations, discharges shall be limited to rainwater only. The city engineer may, at his or her discretion, authorize the use of French drains, exfiltration trench, dry and wet retention areas, and/or other industry standard BMPs to protect the welfare and health of the citizens of the City of Parkland.
2. Pervious material and water bodies shall occupy not less than sixty-five (65) percent) of a developed lot or subdivision. If site constraints prevent attaining sixty-five (65) percent of perviousness, then the developer/owner may submit alternate designs. Said designs shall be reviewed and evaluated by the city engineer for implementation subject to compliance with standards listed in this chapter. The city engineer may, at his or her discretion, allow the fulfillment of drainage requirements by acquiring drainage credits with other government agencies, if available.

B. *Materials.* All drainage pipe installations under and parallel to the road in existing or proposed paved areas or crossing roadways shall be in accordance with Broward County.

1. Drainage pipe shall be in accordance with Broward County. Approved materials must also be on the FDOT, Broward County, and any other government agencies having jurisdiction approved list.
2. Reinforced concrete pipe in accordance with Broward County. Reinforced concrete pipe in areas to be paved shall be in accordance with Broward County.
3. Corrugated metal pipe shall be in accordance with Broward County. Corrugated metal pipe shall be in accordance with Broward County Minimum cover for PVC and other materials shall be in accordance with Broward County.
4. Drainage structures. Drainage structures which are considered to be the beginning of a drainage lateral shall have inside dimensions no less than three (3) feet by four (4) feet between opposing walls. All other drainage structures shall have inside dimensions of no less than four (4) feet between opposing walls. All structures shall meet the requirements of ASTM C-478. For structures connecting pipes less than eighteen (18) inches [in] diameter, walls shall be not less than six (6) inches thick. For structures connecting pipes greater than eighteen (18) inches [in] diameter, walls shall be not less than eight (8) inches thick. Top and bottom slabs shall be not less than eight (8) inches thick. Reinforcing steel shall be not less than two-tenths (0.2) square inches per foot. Specific structures' dimensions shall meet or exceed, FDOT, Broward County and/or Environmental Protection Department standards.
5. No block manholes—Special approval required. No block manholes shall be allowed without special approval by the city engineer.
6. All filter fabric shall conform to Broward County standards. All filter fabric shall conform to Broward County standards and shall be used behind all rip-rap installations.
7. Frames and grates. Frames and grates shall be traffic bearing when required.

C. *Drainage calculations.* Drainage calculations must be submitted to the city's engineer. All drainage calculations must be submitted to the city engineer with design plans, and signed and sealed by the engineer of record.

D. *Conflict manholes.* Conflict manholes should be avoided. However, conflict manholes must have individual approval of the appropriate state or county reviewing agency before being permitted by the city engineer, and must conform to the requirements of this chapter. This shall apply to field changes as well as design conditions.

E. *Minimum grade.* A minimum grade of three-tenths (0.3) percent longitudinal slope is required for positive drainage. A minimum grade of five-tenths (0.5) percent longitudinal slope is required on grass/landscape areas.

F. *Canal R.O.W.* Canals dedicated to the public shall have a minimum right-of-way width of eighty (80) feet.

G. *Lake width.* Lakes dedicated to the public shall have a minimum surface water width of one hundred fifty (150) feet.

H. *Maximum slopes.* Canal and lake bank slopes shall be four to one (4:1) or less. Berms slopes shall be four to one (4:1) or less. Cross sections are provided and clearly show proposed slopes.

I. *Drainage easements.* Drainage easements shall be a minimum twelve (12) feet in width and dedicated for public maintenance to NSID, Coconut Creek, or the City of Parkland, as applicable.

K. *L.M.E.* A maintenance easement twenty (20) feet in width shall be provided adjacent to the entire boundary of the proposed lake or canal, to be dedicated for public maintenance to NSID or Coconut Creek or city, as applicable.

(Ord. No. 2015-09, § 2(Exh. A), 9-21-2015; Ord. No. 2019-012, § 4, 10-16-2019)

DIVISION 10. - IMPROVEMENTS IN RIGHTS-OF-WAY, ROADWAY DESIGN AND CONSTRUCTION CRITERIA

Sec. 135-1005. - Roadway design criteria.

A. *Minimum design criteria.* Unless herein noted, all roads and/or streets shall be designed in substantial accordance with the latest edition of "Manual of Uniform Minimum Standards for Design, Construction and Maintenance for Streets and Highways," as published by the State of Florida, and the provisions of the appropriate governmental entities having jurisdiction. Such entities may include Broward County, Highway Construction and Engineering Division and others, as appropriate.

B. *Construction criteria.* Construction materials and methods shall meet the requirements of the latest editions of the Florida Department of Transportation (FDOT) "Standard Specifications for Road and Bridge Construction" and supplements, Broward County Highway Construction and Engineering Division, AASHTO, and/or the latest adopted standards of the government agency having jurisdiction.

C. *Temporary facilities.* Temporary facilities, unrelated to any ongoing construction in the right-of-way or easement, and intended to provide an essential service for a period of time not to exceed one (1) year, may be constructed in the right-of-way or easement, contingent upon the city engineer's approval of project plans and specifications, and a construction permit issued by the city engineer. There will be no relaxation of safety requirements.

D. *Temporary facility plans.* In cases where temporary facilities must be constructed to provide or maintain an essential feature around portions of a public right-of-way for public safety or convenience during construction, such temporary facility must be clearly drawn in sufficient detail on standard size (twenty-four-inch by thirty-six-inch) drafting sheets, and submitted to the city engineer for review and approval prior to implementation.

E. *Grade.* The minimum profile grade line for asphalt shall be three-tenths (0.30) percent. The minimum transverse slope of proposed pavement areas is two (2) percent for roadways and one (1) percent for parking areas.

F. *Safety criteria.* Minimum safety criteria for design of roads and streets in the City of Parkland shall be per the "Manual of Uniform Minimum Standards for Design, Construction and Maintenance for Streets and Highways," as published by the State of Florida, Broward County Highway Construction and Engineering Division, AASHTO, and/or the latest adopted standards of the government agency having jurisdiction.

G. *Sight visibility.* Sight visibility shall meet or exceed FDOT standards as amended from time to time. A minimum ten-foot by ten-foot sight visibility triangle shall be observed where two (2) driveways intersect, particularly in private subdivisions, commercial and industrial parcels. At the discretion of the city engineer, minimum sight visibility triangles may be increased to protect the welfare of the citizens of the City of Parkland. As per section 5-3530, terms defined, for street intersections, as revised from time to time and/or Florida Department of Transportation (FDOT) Index No. 546 as revised from time to time, whichever is more stringent.

H. *"Dead End"* and Case II signs shall be installed at all T-turnarounds.

(Ord. No. 2015-09, § 2(Exh. A), 9-21-2015; Ord. No. 2019-012, § 5, 10-16-2019)

Sec. 135-1010. - Guardrails.

Design and construction shall be in accordance with FDOT, Broward County, and/or AASHTO standards.

A. *Minimum distance to canal.* Design and construction shall be in accordance with FDOT, Broward County, and/or AASHTO standards.

B. *Roadways on fill sections.* Design and construction shall be in accordance with FDOT, Broward County, and/or AASHTO standards.

C. *Roadways in cut sections or with adjacent ditches.* Design and construction shall be in accordance with FDOT, Broward County, and/or AASHTO standards.

D. *Installation of protection.* Design and construction shall be in accordance with FDOT, Broward County, and/or AASHTO standards.

E. *When required.* Guardrails shall be provided within the right-of-way wherever a canal, lake or ditch lies within twenty-five (25) feet of the pavement.

F. *Dead end streets.* Reflectorized guardrails shall be installed at the end of pavement on all streets or drives which are temporarily dead ended or where a "T" turnaround is proposed. Proper "Dead End" signs are proposed to be placed at the closest intersection to the dead end.

(Ord. No. 2015-09, § 2(Exh. A), 9-21-2015)

Sec. 135-1015. - Roadway materials.

A. *Subgrades.* Design and construction shall be in accordance with FDOT, Broward County, and/or AASHTO standards.

B. *Base material.* Design and construction shall be in accordance with FDOT, Broward County, and/or AASHTO standards.

C. *Base density requirements.* Base limerock material shall contain a minimum seventy (70) percent carbonates, be compacted to a density of not less than ninety-eight (98) percent of maximum dry density as determined by AASHTO T-180 under all paved areas. A minimum LBR of one hundred (100) shall be maintained.

D. *Alternate base.* The contractor or owner may propose alternate base design and/or materials for use in lieu of limerock. Such a proposal must be submitted to the city engineer, whose approval for the substitution must be obtained before the proposed material may be incorporated into the project. Alternate base design shall only be considered if it is in accordance with FDOT, Broward County, and/or AASHTO's latest standards.

E. *Wearing (surface) courses.* Surface courses are to be of asphaltic concrete construction laid in two (2) lifts in accordance with FDOT's Flexible Pavement Design Manual, Broward County, FICE, and/or AASHTO's latest standards. Alternate wearing course design shall only be considered if it is in accordance with FDOT's Flexible Pavement Design Manual, Broward County, FICE, and/or AASHTO's latest standards.

F. *Shoulders.* All shoulders shall have an eight-foot width stabilized to an LBR value of at least forty (40). The minimum depth of the stabilized shoulder shall be six (6) inches and shall be compacted to ninety-eight (98) percent of maximum dry density as determined by AASHTO T-180.

G. *Curb/gutter.* All curb elements shall have a limerock foundation or "pad" with a minimum LBR of one hundred (100) at least four (4) inches thick, compacted to ninety-eight (98) percent of maximum density per AASHTO T-180. Approved curbing shall be in compliance with FDOT, Broward County, [and/or] AASHTO's latest standards.

H. *Swales.* Elevation of bottom of swales, measured from top of turf, shall be at least three (3) inches below the edge of pavement. Swales shall be compacted to ninety-five (95) percent of maximum density per AASHTO T-99. Side slopes shall be four-to-one (4:1) or flatter. Alternate design methods may be approved by the city engineer if said methods are in compliance with FDOT, Broward County, [and/or] AASHTO's latest standards. Swales are eight (8) feet wide and six (6) inches below the edge of pavement at the center of the swale, with a longitudinal slope of three-tenths (0.3) percent or greater.

I. *Sidewalks.* Sidewalks shall be constructed to the specifications in section 130-20, sidewalks, multi-use paths/trails, and bicycle lanes.

J. *Grassing/seeding/mulching/sodding/fertilizing.* Whenever suitable length of roadway swale or adjacent areas have been graded, they shall be grassed at the earliest practical time. In most cases, Argentine Bahia grass seed may be used. In areas where erosion and/or growing conditions may be a problem, solid sod should be installed. In areas currently developed with existing sodded/grassed swales, equal type of sod shall be installed. The contractor shall maintain grass, including watering and mowing, until project is accepted. It is the intent that areas to be grassed have a growing stand of grass for a period of at least one (1) year after completion/acceptance of the project. All grassed areas must have a dense, growing stand of grass and shall be mowed at least once prior to acceptance of the project.

K. *Restoration.* The entire work area utilized for the performance of any permitted work shall be restored by the permittee under an approved time schedule and as described in section 135-1035, construction standard specifications, subsection T.

L. *Paver transition.* A minimum eight-inch by eight-inch header curb with a #5 reinforcement bar shall be installed at the point of connection between the pavers and the asphalt pavement to prevent pavers from shifting out of position.

(Ord. No. 2015-09, § 2(Exh. A), 9-21-2015; Ord. No. 2019-012, § 5, 10-16-2019)

Sec. 135-1020. - Availability of approved plans and permit.

A set of plans for the project, bearing the city engineer's approval stamp, must be located on the job site whenever work is in progress. When applicable, an engineering construction permit must be available at the site at all times and shall be presented upon request.

(Ord. No. 2015-09, § 2(Exh. A), 9-21-2015)

Sec. 135-1025. - Ownership of facilities.

All facilities within the public rights-of-way and easements must be owned and maintained by a public service utility or franchisee or by a political entity competent to function within the State of Florida, and shall remain the liability of the last operating entity until removed.

(Ord. No. 2015-09, § 2(Exh. A), 9-21-2015)

Sec. 135-1030. - Underground facilities; utility easements.

A. *Design and installation.* All underground and in-ground facilities in rights-of-way and easements shall be designed and installed so as to safely sustain any vehicular loads that might be placed upon them pursuant to Broward County and Florida Department of Transportation standards and regulations. Underground facilities other than service lines to individual properties, that are located outside of the public right-of-way, shall be located in easements a minimum of ten (10) feet in width. All proposed utility lines (electrical power distribution, telephone, cable television, street lighting), including service lines to individual properties shall be installed underground at least eighteen (18) inches below the finished ground elevation.

B. *Direct burial cables—Requirements.* The placement of any direct burial cable shall be subject to provisions of section 135-1030, underground facilities; utility ease
C. *Facility placed without de-mucking requirement.* Any facility placed without de-mucking shall be subject to abandonment or relocation by the operator of said facility in the event that de-mucking must be done at a later date.
D. *Utility crossings of paved roadways.* Each underground utility crossing of paved roads shall be made by the "jack and bore" method, unless an alternate method is approved by city engineer. Proposed open cuts shall be shown on the drawings submitted for approval.
E. *Driving pipe under existing pavement (jack and bore).* When a pipe is driven through the earth under pavement, jetting or the use of air or water forced into direct contact with the earth shall be prohibited. Pipe driving shall leave no voids in the underlying earth. This requirement does not prohibit the use of air hammers for driving.
F. *Extraction of pipe from bore.* The extraction of pipe or conduit from beneath any roadway is prohibited unless approved by city engineer. In extreme situations, where pipe must be removed, the roadway must be restored in accordance with minimum recommended FDOT, Broward County, and/or AASHTO standards.

(Ord. No. 2015-09, § 2(Exh. A), 9-21-2015; Ord. No. 2019-012, § 5, 10-16-2019)

Sec. 135-1035. - Construction standard specifications.

A. *Preconstruction meeting.* A preconstruction meeting shall be organized by the contractor of record at a time and location convenient to all applicable regulatory agencies, subcontractors, and interested parties. No construction work shall commence unless a pre-construction meeting has been held. At the discretion of the city engineer, this requirement may be waived.
B. *Scheduling of construction, inspections and tests.* Forty-eight (48) hours' minimum written notice must be given to the city engineer prior to the start of construction and before scheduling any required tests or inspections. Special notifications to agencies such as the fire department, police department, etc., shall be handled by the contractor.
C. *Inspections, tests and certifications.*
    1. All inspections and tests necessary to ensure construction shall be in conformity with the plans and specifications as approved by the city engineer and shall be made by or under the direct supervision of the engineer of record or representative.
    2. The engineer of record shall submit a copy of all inspection reports to the city engineer within thirty (30) days of the inspection date.
        a. Should there be unsuitable material encountered during construction, the city engineer may require soil boring and analysis as necessary to determine the extent of the unsuitable area.
        b. Subgrade soils shall have no more than seven (7) percent organic material.
        c. A soils report signed by a State of Florida professional geotechnical engineer must be submitted to confirm the soil contents.
        d. Where minimum LBR values are required, the LBR value of the material shall be determined in accordance with an approved quality control procedure.
        e. Density tests shall be run a minimum of every two hundred (200) feet for subgrades and base rock of each roadway travel lane, as well as shoulders, sidewalks and foundation of all curb elements.
        f. Density tests shall be run at all underground utility roadway crossing.
        g. Sidewalk base shall be compacted to ninety-eight (98) percent of maximum density as determined by AASHTO T-180.
        h. Prior to subgrade, base and asphalt approval, the contractor shall be responsible for the services of a geotechnical firm approved by the City of Parkland to provide density tests, LBR tests and core borings of the asphalt and base rock. The number and location of the borings shall be at the city engineer's discretion.
        i. The contractor shall be responsible for repairing core borings. All tests shall be performed at the contractor's expense.
        j. When final rock inspections are requested for roadways without gutters, the contractor shall provide a twelve-foot straight edge for this inspection. The roadway shall be straight edged by the contractor as directed and in the presence of the city engineer prior to priming the base rock.
        k. Upon completion of curb and gutters, the contractor shall provide sufficient water to flush gutters and determine if drainage deficiencies exist within the valley gutter. All drainage deficiencies within the gutter shall be corrected prior to the installation of the base rock.
        l. Where curb and gutter exist, the first lift of asphalt shall be laid one-half (½) inch below the edge of the gutter or in compliance with AASHTO standards. The second lift shall be brought to one-quarter (¼) inch above the gutter edge or in compliance with AASHTO standards. Prior to and after laying the second lift of asphalt, the contractor shall provide a watering truck to be used to locate ponding and other drainage deficiencies. Drainage deficiencies shall be determined by the city engineer. Any deficiencies noted by the city engineer in writing must be corrected prior to proceeding with the next phase of construction.
    3. Record condition drawings of the finished rock base and curb/gutter must be submitted to the city engineer for approval before paving begins. These drawings must be signed and sealed by a land surveyor registered in the State of Florida, reviewed and approved by the engineer of record, and must show finished rock base elevations at centerline, edge of median, edge of pavement, plus elevations of bottom of swale or flow line of gutter, at high and low

points, intersections and breaks in grade, wherever a new grade is proposed and at intervals not to exceed one hundred (100) feet measured along the profile grade line. Underground utility record condition drawings and certification of substantial conformance to the approved plans must be submitted to the city engineer before paving begins.

4. Compaction must be verified by an independent certified engineering testing laboratory by making field density tests of each layer of compacted material at prescribed intervals before the succeeding layer is placed. Test reports and rock "record condition" reports must be submitted to the city engineer before paving begins.
5. The engineer of record or his representative shall carefully observe and inspect all portions of the permitted installation sufficiently to determine that the contractor has substantially complied with all approved plans and specifications related thereto, and the engineer of record shall so certify, at the completion of the work, by signing and sealing record drawings in compliance with this chapter.

D. *Inspection of signs, pavement markings and signalization.* Inspection of signs, pavement markings and signalization shall be done by the Broward County Traffic Engineering Division if work is in the public rights-of-way and/or the city engineer if work is on privately owned roadways, driveways, etc.

E. *Inspection of street lighting.* Inspection of street lighting shall be performed by the maintaining agency and/or the city engineer.

F. *Supervision of construction.* The permittee shall ensure that work on the site is competently supervised at all times.

G. *Performance of tests.* No labor, material or equipment required for testing of facilities shall be furnished by the city engineer, except as noted hereinafter. The contractor shall perform the tests in the presence of the engineer of record and a representative of the city engineer. If the city engineer fails to witness a properly scheduled test, the certification of the engineer of record, under normal conditions, will be accepted.

H. *Reports.* A copy of all inspection and test reports relating to construction progress shall be submitted to the city engineer without charge. All final tests and inspections shall be witnessed by the city engineer.

I. *Interruption and restoration of services.* Adequate provision shall be made for the safe operation of any utilities, drainage facilities or water courses encountered during construction, unless other approved arrangements have been made. The operators of all such services and all structures altered or damaged during construction shall be notified immediately, and all such services and structures shall be satisfactorily restored upon completion of work.

J. *Disposal of water from excavation.* Adequate provisions shall be made and proper permits acquired for the satisfactory disposal of water resulting from de-watering, pumping operations or encounters with water in any manner. The method of handling or disposing of such water shall be in accordance with applicable regulations of all agencies having jurisdiction. These agencies which may have jurisdiction include the state health department, state department of environmental regulation, Broward County Water Resources Management Division, Environmental Protection Department, South Florida Water Management District, and others, as appropriate.

K. *Maintenance of traffic.*

1. When a plan is required for maintenance of traffic, the contractor shall adhere to such plan as approved, in strict accordance with the provisions of the Manual on Uniform Traffic Control and/or state, county, and local design standards throughout the construction period. Temporary measures must be taken, if necessary, to provide a minimum of one (1) lane of traffic in each direction on each affected road at all times, unless specific permission is obtained from the city engineer to deviate from this requirement. The contractor must also provide for vehicular access to each home and place of business or assembly abutting the affected right-of-way.
2. The right-of-way or easement must be maintained by the contractor in safe and passable (drivable) condition until the permitted work is complete and the right-of-way or easement is restored and accepted for maintenance by the city engineer.
3. The provisions of this section shall be in effect under all weather conditions, twenty-four (24) hours per day, every day, from the commencement of work until final acceptance by the city engineer, except in time of emergency, when the provisions of section 145-30, procedure for obtaining a permit, subsection E. shall apply.

L. *Job site safety.* All permitted work must be done in strict accordance with the provisions of the Occupational Safety and Health Administration (OSHA) regulations, and all other applicable codes.

M. *Removal of pavement, drives, sidewalks, curbs and gutters.* Edges of permanent type pavement shall be pre-cut straight, clean, square and a minimum of one (1) foot beyond any damaged area including well point locations. Utility cuts in existing pavements shall be restored in accordance with the most practical and cost effective diagram and shall be in compliance with all the adopted standards of the government agency having jurisdiction. When the removal of sidewalks, curbs or gutters is necessary for construction, they shall be removed in full sections or a minimum of five (5) feet in length, and all broken edges cut smooth by use of a suitable power saw or other appropriate means. A safe alternative walkway must be maintained for pedestrians until the work is completed and the sidewalk restored.

N. *Disposition of excavated materials.* Broken pavement or other debris shall be removed from the site as soon as practical and in no event after more than five (5) working days, unless otherwise directed by the city engineer. Excavated materials shall not be stockpiled in the right-of-way or easement during construction without specific approval of the city engineer. All excess unsuitable materials shall be removed from the work site and disposed of legally by the permittee at his/her own expense. Failure to remove debris within the above-prescribed time may result in the removal of all debris by the city at the permittee's cost.

O. *Bracing and shoring.* Sheeting, bracing, etc., shall be used as required to support the sides of the excavation and to prevent any movements which can in any way alter the grade of or injure the pipe, diminish the width of excavation or otherwise injure or delay the work or endanger personnel, adjacent pavements or other structures. Safety procedures shall be followed and adequate protection shall be furnished to all personnel as required by OSHA. All sheeting or bracing

which is not left in place shall be removed in such a manner as to not endanger the work, personnel, or adjacent structures.

P. *Traffic and utility controls.* Excavation for pipe, structures or cable laying operations shall be conducted in a manner to cause the least interruption to traffic. Where possible, fire hydrants, valve boxes, fire and police call boxes, and other utility controls shall be left unobstructed and accessible during the construction period. When such obstruction is unavoidable, it must be held to a minimum, and the contractor shall give sufficient notice to the affected parties to allow other provisions to be made.

Q. *Backfilling and compaction; embankments.* Backfill material shall be placed in layers not to exceed twelve (12) inches in thickness, with each layer carefully compacted to ninety-eight (98) percent of maximum density, per AASHTO T-180 and tested, before placing succeeding layers. Swale areas need only be compacted to ninety-five (95) percent of maximum density, per AASHTO T-180. Density tests shall be taken in each land and shoulder at maximum 200-foot intervals staggered. At a minimum backfilling and compaction shall be as per FDOT, Broward County, and/or AASHTO standards.

R. *Pits and trenches.*

1. After a structure, cable, conduit or pipe is acceptably installed, backfilling shall be done with approved material.
2. In dry trenches, backfill material shall be placed evenly and carefully around and over the pipe in twelve-inch maximum layers, each layer being thoroughly compacted, until twelve (12) inches of cover exists above the crown of the pipe. The remaining trench portion up to the pavement base shall be backfilled in layers not exceeding twelve (12) inches with each layer being compacted to ninety-eight (98) percent and tested at intervals of one hundred (100) feet maximum before placing succeeding layers. Swale areas need only be compacted to ninety-five (95) percent of maximum, and testing shall be at the city engineer's discretion. All materials shall be able to pass through a four-inch ring, unless otherwise approved by the city. Laboratory testing for the optimum moisture and maximum soil density shall conform to the specifications of AASHTO T-180 (Standard Proctor). Restoration of the roadway shall be in restored in accordance with the most practical and cost effective diagram and shall be in compliance with all the adopted standards of the government agency having jurisdiction. At a minimum pits and trenches shall be as per FDOT, Broward County, and/or AASHTO standards.

S. *Detection aids.* After nonmetallic utilities have been installed, but before backfill has progressed beyond the top of these facilities, approved electromagnetic location devices or metallic tape shall be placed in the locations specified hereinafter.

T. *Restoration of right-of-way and/or easement.*

1. The entire work area utilized for the performance of any permitted work shall be restored by the permittee to the condition that existed before work began, except as required by the nature of the permitted work. All time schedules shall be approved by the city engineer.
2. Paved sections shall conform in type, shape, elevation and texture with adjacent paved areas and shall be of at least equal quality. Design mixes for flexible pavements shall be in accordance with FDOT, Broward County, and/or AASHTO standards. All damaged or undermined areas of existing pavement, not previously removed, shall be removed and restored in the specified manner. Where pavement is removed for installation, maintenance or removal of any underground facility, restoration shall be in accordance with the most practical and cost effective diagram and shall be in compliance with all the adopted standards of the government agency having jurisdiction. Equipment shall not travel over loose rock fragments or other hard material lying on sections of pavement which are not to be removed.
3. Swale areas, medians, sidewalks, driveways, etc., shall be restored to a condition equal to or better than that which was disturbed. Temporary and final restoration shall be performed expeditiously, and in no event shall it take longer than ten (10) working days from the time in which it was disturbed.
4. Where prior cuts across driveways, paved roadways and sidewalks have been made and restored, the limits of restoration shall be measured from the edge of pavement to the property line or to the farthest edge of the areas to be restored, whichever is applicable. In some cases it may be necessary to pave the entire area between property line and edge of pavement. The city engineer may require paving work to extend beyond said boundaries if doing so is in the best interest of the citizens of the City of Parkland.
5. Restoration of striping, signing, and signalization devices shall be accomplished immediately after pavement restoration is completed and shall be in compliance with all the adopted standards of the government agency having jurisdiction.
6. All subgrade density tests shall be based upon the maximum density as determined by the Standard Proctor Test (T-180). Required density of all materials in and under paved areas shall be in accordance with FDOT, Broward County, and/or AASHTO standards.
7. Cuts across roads which are open to traffic shall not be left open overnight without written authorization from the city engineer. Trenches shall be backfilled and temporary asphalt applied to make a smooth level patch. The only exceptions will be in cases where the facility installed must be tested before the roads are restored. In cases where the installation parallels the roadway and damages the pavement, density tests shall be made every one hundred (100) linear feet at each lift of base and sub-base material (maximum eight-inch lifts), with test locations staggered at twenty-five (25) feet each lift. All work must be completed within ten (10) working days unless otherwise approved by the city engineer.
8. For any road crossing in which the road is cut and restored one (1) or two (2) lanes at a time, densities shall be tested in one (1) lane per lift, alternating lanes with each lift (maximum eight-inch lifts).

U. *Record drawings.* When applicable, upon completion of construction and prior to final inspection or commencement of any bonded warranty period, the engineer of record shall furnish two (2) sets of record drawings (one (1) blueprint and a CAD file (digital media) to the city engineer. Specific requirements for record drawings are listed in subsection V. of this section.

V. *Record drawing standards.* The following information is required to be shown on all record drawings submitted to the City of Parkland for approval prior to acceptance of a project. Record drawings must be same scale plan and profile as permit drawings unless otherwise required by the city engineer.

1. *Pipelines:*
    a. Show offset dimension from baseline (or centerline, R/W, etc.) and elevation (NAVD) of pipe at each vertical or horizontal change at each valve and fitting.
    b. Indicate size, material, type of joint, class and/or type of all pipe installed.
    c. Show type of joint restraint installed on pipe, valves or fittings where appropriate (tie-rods, thrust block, retainer glands, restrained joint pipe, etc.).
    d. Indicate size, location and material of all service lines installed. For sewer services, indicate location of plug.
    e. Show invert elevations and rim elevations or all structures and pipes; slopes through the pipes; pipe lengths, diameter, etc.
2. *Valves:*
    a. Indicate size, type (gate, butterfly, etc.).
    b. All valves are to be located with dimensions from centerlines of the nearest intersection.
3. *Roadways, driveways, drive aisles:*
    a. Show finished grades in bold lettering under or above the proposed grades.
    b. Show flow arrows indicating direction of overland flow.
    c. Identify commonly used features such as curbs (by type, i.e., Type "D" curb, Type "F" curb and gutter, etc.); trees; edge of pavement; swales; berms; bollards; bike racks, etc.
    d. Provide final dimensions for aisles, lanes, grass islands, etc.
    e. Identify and show by type and size all striping and signage, including, but not limited to, handicap accessibility routes, ramps, etc.
    f. Identify and show all sidewalks, paths, pedestrian routes by material, size, etc. Provide final grades to demonstrate ADA accessibility (if applicable).
4. *Other:*
    a. Show nature and location of all underground utilities encountered while excavating for installation of pipeline.
    b. Show location of all public works facilities (i.e., catch basins, sidewalks, manholes, utility poles, fire hydrants, etc.) within ten (10) feet of centerline of pipe.
    c. Show location of all water main, force main, sewer, and drainage facilities appurtenances not mentioned above.
    d. Show location and specific features of pumping stations, including control panels, depth, width, inverts, etc.
    e. Show location and dimension of electric lines and poles, telephone lines and poles, gas lines, light poles, cable lines, and location of any unused sleeves.
    f. Show swale side slopes to be four (4) to one (1) or flatter.

(Ord. No. 2015-09, § 2(Exh. A), 9-21-2015)

Sec. 135-1040. - Statement required to be included and signed on record drawings.

The following statement, as may be administratively modified by the city engineer from time to time, is required to be included and signed on record drawings:

WE HEREBY CERTIFY THAT THIS RECORD SURVEY IS IN SUBSTANTIAL CONFORMANCE WITH THE MINIMUM TECHNICAL STANDARDS SET FORTH IN RULE 21HH-6 ADOPTED BY THE FLORIDA BOARD OF LAND SURVEYORS, PURSUANT TO FLORIDA STATUTES § 472.027.

BY:

(NAME)

PROFESSIONAL LAND SURVEYOR

STATE OF FLORIDA REGISTRATION NO.

[AFFIX SEAL]

Date:

WE HEREBY CERTIFY THAT CONSTRUCTION OF THIS PROJECT HAS BEEN COMPLETED IN SUBSTANTIAL COMPLIANCE WITH THE APPROVED PLANS AND SPECIFICATIONS, INCLUDING ANY CHANGES AND MODIFICATIONS THAT MAY HAVE OCCURRED AFTER PLANS WERE INITIALLY APPROVED, AND THAT THE FACILITIES ARE COMPLETE AND OPERATIONAL.

BY:

(NAME)

PROFESSIONAL ENGINEER

FLORIDA REGISTRATION NO.

[AFFIX SEAL]

Date:

(Ord. No. 2015-09, § 2(Exh. A), 9-21-2015)

Sec. 135-1045. - Abandoned facilities.

All exposed facilities and such underground facilities as may be designated by the city engineer, abandoned within the public right-of-way, shall be removed by the owner of the facility unless other provision is approved by the city engineer. Any abandoned facility allowed to remain in the right-of-way shall continue to be the responsibility of the owner or operator by whom last used. Such owner or operator shall be liable for all costs arising from the presence of the abandoned facility in the right-of-way or easement.

(Ord. No. 2015-09, § 2(Exh. A), 9-21-2015)

Sec. 135-1050. - Project schedule.

All projects estimated to be under construction for a six-month duration or longer shall be required to submit to the city engineer project's schedule. The submittal of a project schedule shall occur on/or before a preconstruction meeting is held.

(Ord. No. 2015-09, § 2(Exh. A), 9-21-2015)

Sec. 135-1055. - Street lighting.

When streetlights are required, they shall conform to the standards of the Illuminating Engineering Society, the National Electrical Code, Underwriters Laboratories, Inc., Industrial Control Standards of NEMA, and applicable state and local agency standards.

(Ord. No. 2015-09, § 2(Exh. A), 9-21-2015)

Sec. 135-1060. - Design.

All light poles and bracket arms shall be constructed of pre-stressed concrete, aluminum or equal, and shall be able to withstand a one hundred fifty (150) mph wind. For work in public rights-of-way, poles shall be of hollow core type construction and shall be designed according to the latest acceptable design procedures approved by Broward County Traffic Engineering Division. For work in private rights-of-way, light poles and equipment shall be in compliance with the Florida Building Code. All equipment specifications shall be submitted to the city engineer for approval. Proposed design and construction must also be approved by the local electric service provider.

(Ord. No. 2015-09, § 2(Exh. A), 9-21-2015)

Sec. 135-1065. - Pole locations.

Poles generally shall be located at the right-of-way lines (back of the sidewalk) and not in the sidewalk. If easements on lands adjacent to the sidewalk are necessary, they shall be obtained at no expense to the city.

(Ord. No. 2015-09, § 2(Exh. A), 9-21-2015)

Sec. 135-1070. - Pavement marking, signing, signalization.

A. *Pavement markings and signage.* The design and construction of pavement marking and signage shall be in accordance with FDOT Standard Specifications, FDOT Roadway and Traffic Design Standards, the United States Department of Transportation Manual on Uniform Traffic Control Devices, and the Broward County Traffic Engineering Division Pavement Marking and Signs standards. The same standards shall apply within private subdivisions and development.

B. *Pavement marking and signing plans.* Two (2) sets of pavement marking and signing plans signed and sealed by a registered professional engineer in the State of Florida shall be submitted to Broward County Traffic Division and/or the city engineer for review and approval. These plans shall show all new markings including tie-ins to existing markings. Removal of existing markings shall be shown. Materials shall be specified. The location of raised reflective pavement markers shall be identified. These plans shall show all new signs and all existing signs to be removed. Existing signs to remain shall also be shown. All publicly owned signs which are removed shall be delivered to the City of Parkland Public Works Department.

C. *Permanent pavement markings.* Permanent pavement markings shall consist of FDOT approved alkyd-based thermoplastic. All such materials shall be fully reflectorized. Permanent pavement markings on parking stalls only, may consist of FDOT-approved water base traffic paint.

D. *Temporary pavement markings.* Temporary pavement markings may be used during intermediate phases of road construction or where overlay or further

construction of the road is planned (within one (1) year). Temporary markings shall consist of paint or traffic tape. Temporary marking materials shall be approved by Broward County Traffic Engineering. All such markings shall be fully reflectorized.

E. *Removal of old pavement markings.* Old markings can be removed by a Broward County Traffic Engineering approved methodology, only.

F. *Construction/resurfacing.* Pavement markings shall be installed on the project as soon as practicable following paving. In the event that a road is placed in service, temporary pavement striping shall be applied by the end of each day's operation unless precluded by inclement weather, in which case it shall be striped during the next daylight period. Any road placed in service without striping shall have the traffic lanes delineated in accordance with the most recent and adopted version of the "Manual of Uniform Traffic Control Devices." Permanent pavement markings shall not be installed until asphalt has cured for a minimum of twenty-one (21) days or as soon as prescribed by the alkyd-based thermoplastic or inlaid preformed plastic material manufacturer.

G. *Sign materials.* All signs shall meet Broward County Traffic Engineering retroreflectivity requirements. Post-mounted signs shall be mounted on single or double steel U-Channel posts, unless otherwise approved by the city engineer.

I. *Maintenance of signs during construction.* All signs shall be maintained by the contractor during construction.

J. *Traffic signals.* All materials, workmanship and design shall meet the requirements of the Institute of Transportation Engineers, the National Electrical Code, Underwriters Laboratories, Inc., Industrial Control Standards of NEMA, Broward County Traffic Engineering and any other applicable state and local agency standards.

(Ord. No. 2015-09, § 2(Exh. A), 9-21-2015; Ord. No. 2019-012, § 5, 10-16-2019)

Sec. 135-1075. - Bike paths/lanes.

Design of bike paths/bike lanes shall comply with requirements/guidelines of the Federal Highway Administration, Florida Department of Transportation, "Manual on Uniform Traffic Control Devices," and applicable local standards. The engineer of record shall provide sufficient documentation to demonstrate compliance with applicable FDOT, Broward County, and/or AASHTO most recently adopted standards.

(Ord. No. 2015-09, § 2(Exh. A), 9-21-2015)

Sec. 135-1080. - Final inspection and acceptance.

After construction is completed and certifications, record condition drawings and other required documents have been submitted to the city engineer and accepted, but before the bonded warranty period begins, the permittee shall request a final inspection of the project in writing. The city engineer and all other interested parties shall jointly perform such inspection to determine the acceptability of the project for maintenance. Following the inspection, any noted defects will be corrected by the permittee, after which the city engineer and other maintaining agencies will issue a notice of acceptance. This will mark the start of the warranty period. Prior to final inspection and acceptance, the city engineer shall be provided with two (2) sets (one (1) blueprint signed and sealed by a registered professional engineer in the State of Florida of record condition drawings, drawn to scale, as well as an approved digital file (AutoCAD and PDF).

(Ord. No. 2015-09, § 2(Exh. A), 9-21-2015; Ord. No. 2019-012, § 5, 10-16-2019)

Sec. 135-1085. - Bridges.

Bridges shall be constructed and designed in accordance with the AASHTO Standard Specifications for Highway and Bridge Construction, FDOT "Standard Specifications for Road and Bridge Construction," Broward County applicable standards, and the FDOT "Structures Standards." Minimum design loading shall be HS-20-44.

(Ord. No. 2015-09, § 2(Exh. A), 9-21-2015)

Sec. 135-1090. - Offsets for existing or newly planted trees.

If existing trees are close to but less than the minimum offset indicated or recommended by FDOT, Broward County or other agency having jurisdiction, other factors should be considered to determine adequacy of offset (i.e., ADT, operating speed, accident history, size, age and type of tree, protection by a barrier, etc.). Newly planted trees may be placed behind barriers that are provided for other reasons. The minimum setback distance from the back of concrete barriers, walls, abutments or other rigid constructions shall be five (5) feet for newly planted trees. For W-beam guardrail, the minimum setback shall be six (6) feet from the face of the rail. Offsets apply to both outside and median for divided highways unless otherwise noted. When trees are placed in medians, adequate sight distance at intersections, turnouts and median openings, etc., shall be maintained in compliance with FDOT sight visibility standards.

(Ord. No. 2015-09, § 2(Exh. A), 9-21-2015)

Sec. 135-1095. - Minimum distance to existing or newly planted trees.

The minimum distance from the edge of the outside driving lane to any tree shall be six (6) feet for facilities classified as municipal when no curb and gutter exist, when curb height is less than six (6) inches, or when curb height has been reduced by resurfacing. It may be reduced to five (5) feet from the edge of the outside driving lane for speeds of thirty (30) mph or less, subject to the discretion of the city engineer.

(Ord. No. 2015-09, § 2(Exh. A), 9-21-2015)

DIVISION 15. - POTABLE WATER AND SANITARY SEWER SYSTEMS

Sec. 135-1510. - Water distribution systems.

For adopted engineering and construction standards [for water distribution systems], refer to North Springs Improvement District (NSID), Florida Department of Environmental Protection (FDEP), City of Coconut Creek, Parkland Utilities, and/or any other public or private agency having jurisdiction.

(Ord. No. 2015-09, § 2(Exh. A), 9-21-2015; Ord. No. 2019-012, § 6, 10-16-2019)

Sec. 135-1520. - Sewage collection system standards.

For adopted engineering and construction standards [for sewage collection systems], refer to North Springs Improvement District (NSID), Broward County's Environmental Protection Agency (EPD), Florida Department of Environmental Protection (FDEP), City of Coconut Creek, Parkland Utilities, and/or any other public or private agency having jurisdiction.

(Ord. No. 2015-09, § 2(Exh. A), 9-21-2015)

Sec. 135-1530. - Sanitary sewage force mains and pumping stations.

For adopted engineering and construction standards, refer to North Springs Improvement District (NSID), Broward County's Environmental Protection Agency (EPD), Florida Department of Environmental Protection (FDEP), City of Coconut Creek, Parkland Utilities, and/or any other public or private agency having jurisdiction.

(Ord. No. 2015-09, § 2(Exh. A), 9-21-2015)

DIVISION 20. - ELECTRIC UTILITIES

Sec. 135-2010. - Permits.

Requirements for permits and procedures for obtaining a permit shall be in accordance with this article.

(Ord. No. 2015-09, § 2(Exh. A), 9-21-2015)

Sec. 135-2020. - Fees and bonds.

The permit fees and development bonds shall be computed in accordance with article 145, permits, fees and bonds.

(Ord. No. 2015-09, § 2(Exh. A), 9-21-2015)

Sec. 135-2030. - Plans and specifications.

Plan and specifications shall conform to section 135-50, plans and specifications requirements.

(Ord. No. 2015-09, § 2(Exh. A), 9-21-2015)

Sec. 135-2040. - Standards.

All electric power systems constructed in rights-of-way and easements shall be in strict accordance with the manufacturer's recommendations and with the applicable provisions of the following standards and regulations:

A. National Electrical Safety Code.
B. State of Florida Public Service Commission.
C. United States Department of Transportation "Manual on Uniform Traffic Control Devices."
D. FDOT "Utility Accommodation Guide."
E. FDOT "Manual on Traffic Control and Safe Practices."

(Ord. No. 2015-09, § 2(Exh. A), 9-21-2015)

Sec. 135-2050. - Conduits.

A. Steel conduit shall be minimum Schedule 40, hot dip galvanized after threading.

B. PVC conduit shall conform to ASTM F-512 with minimum wall thickness of Series SDR-35.

C. Concrete duct banks shall be cast with three thousand (3,000) psi concrete, and shall provide a minimum of three (3) inches' clearance, unless otherwise recommended by the manufacturer, the electric service provider and/or one (1) of the agencies listed in section 135-2040, standards.

(Ord. No. 2015-09, § 2(Exh. A), 9-21-2015)

Sec. 135-2060. - Installations.

A. *Cover.* All underground electric power cable installed in any public right-of-way shall be carried in approved steel or plastic conduit, and have minimum of thirty-six (36) inches of cover unless otherwise approved by the city engineer.

B. *Location.* In general, all underground electric power installations shall be in accordance with section 135-50, plans and specifications requirements.

C. *Crossings.* All underground crossings of paved roadways shall be made by the jack and bore method, unless otherwise approved by the city engineer. Underground crossing of paved roadways shall not be accomplished by jetting or the use of air or water in direct contact with the earth. Pipe driving shall leave no voids in the underlying earth. This does not prohibit the use of air hammers for driving.

D. *Extraction of pipe from bore.* The extraction of pipe from beneath any roadway is prohibited unless approved by the city engineer. In extreme situations where pipe must be removed, the roadway must be trenched and later restored in accordance with section 135-1030, underground facilities; utility easements, subsection E.

(Ord. No. 2015-09, § 2(Exh. A), 9-21-2015)

Sec. 135-2070. - Testing.

Testing of electric power facilities will not be required by the city engineer. Testing of backfill, compaction and roadway restoration, however, shall be as per this document.

(Ord. No. 2015-09, § 2(Exh. A), 9-21-2015)

Sec. 135-2080. - Abandoned facilities.

The provisions of division 5 of this article, shall apply to abandoned facilities.

(Ord. No. 2015-09, § 2(Exh. A), 9-21-2015)

Sec. 135-2090. - Record drawings and certification.

Other provisions of this chapter notwithstanding, one (1) set of record drawing blueprints may be required for electric power work performed by or for corporations regulated by the Florida Public Service Commission unless specifically directed otherwise by the city engineer. Such drawings shall show the construction variations, if any, from the design plans.

(Ord. No. 2015-09, § 2(Exh. A), 9-21-2015)

DIVISION 25. - LAND DISTURBANCE ACTIVITY

Sec. 135-2510. - Applicability.

A. *Definition.* Land disturbing activity means any land change which may result in a change in elevation as determined by the city engineer, soil erosion from water or wind and the movement of sediments into waters or onto lands in the city, including, but not limited to, clearing, excavating, grading, transporting and filling of land.

B. *Applicability; exceptions.* This article shall apply to all land disturbing activities including, but not limited to, all artificially created bodies of water on private property within the city except as follows:

1. Such minor land disturbing activities such as home gardens and individual home landscaping, repairs and maintenance work;
2. Individual service connections; construction, installation or maintenance of electric and telephone and communications utility lines; installation, maintenance, or repair of any underground public utility lines when such activity occurs on an existing hard-surfaced road, street or sidewalk; provided such land disturbing activity is confined to the area of the road, street or sidewalk which is hard-surfaced;
3. Septic tank lines or drainage fields unless included in an overall plan for land disturbing activity relating to construction of the building to be served by the septic tank system;

4. Surface or deep mining; exploration or drilling for oil and gas, including the well site, roads and off-site disposal areas;
5. Tilling, planting, or harvesting of agricultural, horticultural, or forest crops;
6. Construction, repair or rebuilding of the tracks, rights-of-way, bridges, communication facilities and other related structures and facilities of a railroad company;
7. Preparation for single-family residences separately built unless in conjunction with multiple construction in subdivision development;
8. Installation of fence and signposts or telephone and electric poles and other kinds of posts or poles;
9. Emergency work to protect life, limb or property, and emergency repairs; provided that if the land disturbing activity would have required an approved erosion and sediment control and tree protection plan if the activity were not an emergency, then the land area disturbed shall be shaped and stabilized in accordance with the requirements of the city engineer;
10. Perimeter ditches no more than five (5) feet in depth and four (4) feet wide, when the soil excavated therefrom is banked towards the outside lot line adjoined by the ditch.

(Ord. No. 2015-09, § 2(Exh. A), 9-21-2015)

Sec. 135-2520. - Standards and requirements.

Requirements. All land disturbing activity within the City of Parkland shall meet the requirements of this section.

A. *Culverts.* Any property owner who installs main or lateral culverts in conjunction with any perimeter ditch shall provide standard oval culverts of a size sufficient to handle runoff water without interfering with the water table or level of water in city canals. Culvert sizing shall be in accordance with South Florida Water Management District (SFWMD) standards as outlined for No Notice and Noticed General Environmental Resource Permits, sections 40E-400: 40E-400.439 and all other agencies having jurisdiction including, but not limited to, Broward County Environmental Protection Department (EPD), North Springs Improvement District (NSID), Pine Tree Water Control District, and/or City of Parkland adopted standards as may be updated from time to time. The city engineer may require that said culvert's design be supported by industry standard calculations, basin-wide studies, etc., as deemed appropriate.
B. *Lake setback.* All private lakes constructed or excavated in the city shall be located not less than twenty-five (25) feet from the adjacent exterior property line, measured from average mean water level.
C. *Dust control.*
    1. All access roads shall be well sprinkled, as needed, to minimize dust, or other measures taken, as specified by the city engineer.
    2. All vehicles transporting fill within or through the City of Parkland shall be covered or contained in such a manner as to prevent the spilling or blowing of said contents from the vehicles onto adjacent property or public right-of-way.
    3. The quality of the air shall not be affected by windborne dust and debris resulting from said filling to the extent that visible particulate matter is airborne off site from the land excavation or filling activity becoming a nuisance to other properties.
D. *Site access.* To avoid access to a site through populated areas, the applicant shall coordinate with the planning and zoning director and the city engineer to determine alternate routes to be taken around the centers of population by machinery and transport vehicles. The permit will specify access routes.
E. *Site security.* To protect the applicant from vandalism and the citizenry from harm, the applicant shall provide for the secure fencing and posting of warning signs around the perimeter of the area where land disturbing activities are occurring. The provisions of the land development code, as it relates to fence permits will be enforced.
F. *Groundcover.* To provide erosion control, plant material or other appropriate groundcover shall be utilized as temporary measures, with permanent erosion control measures to be incorporated into the project at the earliest practical time. This shall be described in the permit application. Approval of the groundcover does not constitute approval of nor waiver of required landscaping plan.
G. *Fill content.* Clean fill shall be the only permitted fill material. Clean fill is defined as materials and deposits limited to rock, minerals, soils and any other materials as may be approved by the city engineer, but shall not include deleterious material such as junk, toxic or hazardous materials as defined by the environmental protection agency priority toxicant listing, trash, garbage, or similar material. The dumping of deleterious material such as junk, toxic or hazardous materials as defined by the environmental protection agency priority toxicant listing, trash, garbage, or similar material in any amount is prohibited. Trees and other vegetative matter and organic material may be deposited within properties that are properly zoned for same, as determined by the planning and zoning director.
H. *Slope of the filled area.* To prevent erosion and maintain a presentable appearance adjacent to abutting properties, the land contours shall not exceed one (1) foot vertical for every fifty-four (54) feet horizontal within one hundred fifty (150) feet of the property line. The above conditions may be modified by the city engineer or if it can be demonstrated that adjoining properties will not be adversely affected.
I. *Height of the filled area.* Fill shall be deposited as specified on the plot plan. The maximum height shall not exceed ten (10) feet for every two hundred (200) feet of width of the fill area, at the narrowest dimension, up to a maximum height of thirty-five (35) feet above the natural grade. These conditions may be modified by the city engineer if it can be demonstrated that adjoining properties will not be adversely affected.
J. *Best practices.* Good engineering practice will be followed so that no adverse effect upon adjoining properties shall result from the land disturbance activity

from soil erosion, water or air quality or damage to physical facilities as specified in this section.

K. *Lake sizing.* There shall be no specific requirements as to size, shape, depth or contour of any such lake, except that the city engineer may require that said lake comply with all applicable South Florida Water Management District (SFWMD), Broward County Environmental Protection and Growth Management Department (BCEPGMD), North Springs Improvement District (NSID) and/or City of Parkland adopted standards as may be updated from time to time, and/or any other government agencies having jurisdiction.

(Ord. No. 2015-09, § 2(Exh. A), 9-21-2015)

Sec. 135-2530. - Land disturbance permit required.

A. No lake shall be excavated until a permit is first obtained from the city.

B. No one shall, without first obtaining an engineering permit, fill or change the contour of any city canal or waterway.

C. No culverts shall be placed under city roads or streets without first obtaining an engineering permit.

(Ord. No. 2015-09, § 2(Exh. A), 9-21-2015)

Sec. 135-2540. - Permit application procedures.

A. *Application submittal requirements.* All persons wishing to engage in any land disturbing activity as defined herein shall first apply for an engineering permit on a form provided by the city. Such application shall be accompanied by:

1. A plot plan to show the property owned and controlled by the applicant with reference to streets, highway and contiguous platted areas. The plan must show access roads proposed by applicant.
2. A description of the nature and duration of the work to be undertaken.
3. A signed and sealed tree survey of the area to be covered by the land disturbance permit. In the discretion of the city engineer, a recent aerial photograph of the property in question; or with the permission of the owner, an onsite inspection may be substituted for a tree survey if the property contains no local areas of particular concern or does not have sufficient vegetation to warrant a tree survey.
4. Permits or statements of approval from all other applicable regulatory agencies having jurisdiction. Such approvals shall be a precondition to the commencement of any land disturbance activities.
5. A final grading plan to show the ground elevations of the land immediately adjacent to the side of the area to be filled, and all of the bounding streets, roads and canals. That grading plan will incorporate protection so that existing paved roadways and shoulders do not deteriorate.
6. The plans, maps, elevations and cross-sections required to accompany the filling permit application shall be made by a surveyor/engineer registered as such by the State of Florida.
7. Filling within a subdivision plat of record that meets the requirements of the Broward County Land Use Plan, shall, in addition to the above, provide the following:
    a. A final grading plan to show the ground elevations of the land immediately adjacent to the side of the area to be filled, and all of the bounding streets, roads and canals. That grading plan will incorporate protection so that existing paved roadways and shoulders do not deteriorate.
    b. Written certification from an engineer hired by the applicant shall be provided by the applicant to the city engineer committing that the land area exposed or remaining after the filling of the site shall be left suitable for future use and development purposes as determined by the city engineer and planning and zoning director in accordance with the final grading plan and in accordance with any zoning regulations applicable thereto.
    c. The plans, maps, elevations and cross-sections required to accompany the filling permit application shall be made by a surveyor/engineer registered as such by the State of Florida.

B. Processing. The city engineer shall review said application, and shall certify that the property owner has made adequate preparation in accordance with general requirements of this division. The application shall then be forwarded to the city commission for final review and approval, approval with conditions, or denial.

C. *Fee.* The fee for the permit for land disturbing activity shall be per article 145, permits, fees and bonds. In the event that the city, in its discretion, deems it necessary to engage outside consultants to monitor or inspect the site for compliance by the applicant with the terms of this chapter, the fees and charges shall be set forth by resolution. Fees may be modified by resolution of the city commission.

(Ord. No. 2015-09, § 2(Exh. A), 9-21-2015)

Sec. 135-2550. - Permit renewal.

Land disturbing activity is and continues to be a privilege in the City of Parkland. The renewal of any land disturbing permit shall be at the city's discretion. Every renewal period, the applicant shall submit to the city a certified survey by a registered Florida engineer or land surveyor to show that the grading plans are being met.

(Ord. No. 2015-09, § 2(Exh. A), 9-21-2015)

Sec. 135-2560. - Inspections.

A. *Inspection required before commencing work.* Notwithstanding any provision to the contrary, any permit issued pursuant to this section shall contain a provision indicating that no activity shall be undertaken pursuant to such permit prior to an inspection by the city engineer to ensure that precautions have been taken to protect any and all trees which are not to be removed or disturbed pursuant to such permit.

B. *Permittee to schedule inspection.* It shall be the obligation of the permittee to contact the city to call for the inspection required herein.

C. *Inspection report.* The inspector shall prepare a report to be filed in the city engineer's office which certifies his or her findings as to whether adequate preparations (in accordance with the "Tree Protection Manual for Builders and Developers") have been made to protect trees and vegetation, as provided for herein.

D. *Violation of permit condition.*

1. Should the city engineer find that adequate precautions have not been made as is required under this subsection, then, in that event, the permittee shall not commence land disturbance activities pursuant to such permit. Upon such a finding, the city engineer shall revoke the permit.
2. The permittee shall have thirty (30) days from the date that the above-referenced report has been filed to file an appeal pursuant to section 55-1510, administrative appeals. During that time, the permittee shall have a right to one (1) reinspection by the inspector. In order to obtain such reinspection, the permittee must provide the city three (3) days' written notice and pay a reinspection fee of fifty-eight dollar ($58.00) or as otherwise established by resolution of the city commission.
3. If the inspector determines that a remedy has been effected, he or she shall file a report so indicating. In that event, the city engineer shall re-issue the permit, and the permittee may commence land disturbance activities if all other requirements have been satisfied.
4. The penalty for commencing land disturbance activities prior to the city engineer's providing written approval of tree and vegetation protection shall not exceed five hundred dollars ($500.00) per unprotected tree. All tree and vegetation protection must be maintained until the city's engineer provides a final letter of approval for the permitted construction work.
5. No person may rely on the continuation of a permit, unless the conditions of the permit are strictly adhered to.

(Ord. No. 2015-09, § 2(Exh. A), 9-21-2015)

ARTICLE 140. - TRAFFIC CALMING

Sec. 140-10. - Policy for installation of traffic calming devices in residential neighborhoods.

A. *Use of traffic calming devices.* Potentially acceptable traffic calming devices to be used in the city include, but are not limited to, speed tables, traffic circles/roundabouts, traffic islands and traffic chokers. The use of speed humps/bumps shall be prohibited. The use of temporary speed tables shall also be prohibited. The design and appearance of permanent speed tables shall be standardized throughout the city and shall meet applicable FDOT and Broward County standards. While permanent speed tables are considered a potentially acceptable type of traffic calming device, it shall be the policy of the city to encourage any neighborhoods seeking to utilize such devices to first explore the use of educational measures to help address speeding concerns. Such measures might include, but not be limited to, seeking increased law enforcement of speeding; the use of portable speed radar units; and implementing a neighborhood speed watch program.

B. *New subdivisions.* The city shall require that traffic calming devices/measures which do not have a significant impact on emergency vehicle response such as but not limited to the use of curvilinear street alignments; entry islands; roundabouts; chokers; and center island narrowing; be built into the design of all new subdivisions as feasible and appropriate.

C. *Existing subdivisions/neighborhoods.* The city shall use the following standards in order to determine whether to install traffic calming devices in streets in existing residential neighborhoods.

D. *Eligible streets.* A street will be considered for installation of traffic calming devices subject to satisfying the criteria in the most recent version of the Broward County Neighborhood Traffic Management Manual.

E. *Application/petition to request installation of traffic calming devices.*

1. An application must be submitted to the planning and zoning department by the duly authorized representative of a neighborhood's homeowners' association (HOA) bearing the signatures of at least sixty-seven (67) percent of the current lot owners within the impact area where the proposed calming device is to be located. The delineation of the boundaries of the impact area shall be determined by whomever the HOA hires to perform the required traffic study described below subject to ultimate verification/modification by the city engineer.
2. In the event the neighborhood does not have an active HOA, a petition must be submitted bearing the signatures of at least sixty-seven (67) percent of the current lot owners located within the impact area (to be determined as noted above) where the proposed traffic calming device is to be located).
3. The application shall include the following:
   a. A drawing showing the street and the specific locations in the street where installation is requested.
   b. A statement of the reasons for the traffic calming device.

c. A traffic study indicating that the criteria set forth in subsection D. above has been met. The applicant may contract with a private traffic engineering firm a city to perform the requisite study signed and sealed by registered professional engineer in the State of Florida or the applicant may request that the city p study and shall be responsible for reimbursing the city for all such costs associated with conducting the study.

d. Signatures from lot owners located at sixty-seven (67) percent of the addresses within the impact area followed by the signer's printed name, address, and the telephone number. Only one (1) person per address will be counted toward meeting this criteria.

e. A processing fee of five hundred dollars ($500.00) which is in addition to the cost of performing the required traffic study.

f. If the application or petition is returned as set out below, the city shall return the portion of the processing fee that has not been used.

g. If a petition, the following additional information shall be supplied: The name, address and telephone number of the signer who will represent the petitioners and whom the city staff will contact to implement this policy.

h. The name, address and telephone number of at least five (5) signers, including the signer identified above, who will constitute a committee of the petitioners to work with city staff to implement this policy.

F. *Procedure to process application/petition.*

1. The application/petition shall initially be submitted to the planning and zoning director, who within two (2) working days shall determine whether it contains all of the required information set forth under subsection E. (above). If not, the planning and zoning director shall not accept the application/petition. If so, the planning and zoning director shall accept the application/petition and forward it to the city engineer.
2. The city engineer shall determine whether the application meets the technical criteria set forth under subsection D. (above) for the installation of traffic calming device. If the criteria are not met, the city engineer shall so notify the applicant or petitioners' representative.
3. If the city engineer determines that the application meets the technical criteria, he/she shall determine, after having received a recommendation from the fire department whether the installation of traffic calming devices in the street, at the locations selected by the applicant/petitioners or elsewhere, is appropriate.
4. If the city engineer determines that the installation of traffic calming devices in the street is not appropriate, he/she shall then so notify the applicant/petitioners' representative and return the applicant/petition to him or her.
5. If the city engineer determines that the installation of traffic calming devices in the street is appropriate, he/she shall then determine feasible alternative traffic calming approaches and prepare estimates of the cost of implementing the approaches. The city engineer shall then request the applicant/petitioners' representative to schedule a meeting, as set out in subsection F.6. immediately below.
6. The applicant/petitioners' representative, at the request of the city engineer, shall schedule a meeting among the city engineer, the HOA or petitioners' committee for the neighborhood in which the street is located. At the meeting, the group shall discuss the traffic study, the city engineer's determinations, and the applicant's/petitioners' concerns. The group shall decide on a recommendation to the city commission concerning the installation of traffic calming devices.
7. The city engineer shall prepare an agenda item for the city commission to consider the recommendation.

G. *Procedure to install traffic calming devices.*

1. On hearing the agenda item, the city commission shall determine whether to approve the installation of traffic calming devices, and if so, the type and location thereof. The city commission may approve, modify, condition or deny any recommendation or proposal for traffic calming devices, regardless of the extent of public support for the recommendation or proposal.
2. If the city commission approves the installation of traffic calming devices, and the applicant/petitioners wish to install the devices as so approved, the applicant/petitioners or their contractor shall obtain an engineering permit from the city for the work. The applicant/petitioner shall prepare standard plans signed and sealed by a registered professional engineer in the State of Florida to be incorporated into the permit.
3. The applicant/petitioners shall bear all costs of the issuance of permits, construction, inspection and maintenance of traffic calming devices. Such costs are not included in the permit fee set. The petitioners shall be responsible for arranging for payment of such costs.

H. *Code enforcement jurisdiction.* The special magistrate shall have concurrent jurisdiction over violations of this policy.

I. *Liability.* Upon completing the installation of traffic calming devices, the HOA shall sign a hold harmless agreement with the city exempting the city from any liability resulting from the use of the traffic calming devices. The hold harmless agreement shall be permanently recorded in the county's records.

(Ord. No. 2015-09, § 2(Exh. A), 9-21-2015)

ARTICLE 145. - PERMITS, FEES AND BONDS

Sec. 145-10. - Engineering permits required.

A. *Applicability.* An engineering permit is required for all construction in public and private rights-of-way, as indicated in any plat, and easements. Such permits shall be issued by the city through its city's engineer, qualified engineering consultant, or designee.

B. *Requirements for permit.* Permits for construction of water distribution systems, sanitary sewage collection systems, sanitary sewage force mains, sanitary

sewage pump stations, roadways, streets, sidewalks, drainage facilities, and bridges, or the additions thereto, shall be granted only after the following requirements have been met:

1. A subdivision, commercial or industrial plat for the area under construction has been approved by the city. This requirement shall not apply to construction in areas which are already platted, within dedicated rights-of-way, within easements dedicated to the public for right-of-way purposes, or within established single-family residence areas.
2. Project plans and specifications have been approved by the city engineer.
3. Application for construction permits, and required fees and bonds have been submitted.
4. Copies of approvals from all other applicable regulatory agencies have been received by the city.
5. Permits will be issued to qualified applicants only. Necessary application forms will be available at the appropriate city's website. Forms are to be completed, signed and submitted together with appropriate fees, bonds, and approvals of all other agencies having jurisdiction.
6. No permit will be issued for work in any right-of-way or easement until the required fees have been paid, all required performance and maintenance bonds have been posted, and all necessary reviews, permits and/or approvals from all the applicable regulatory agencies have been obtained.
7. Notwithstanding anything stated above, any permit issued pursuant to this section shall contain a provision indicating that no activity shall be undertaken pursuant to said permit prior to an inspection by the city engineer to ensure that precautions have been taken to protect any and all waterways (natural or manmade), drainage structures, and/or any other drainage facilities with applicable erosion and sedimentation controls in compliance with the city Code, section 135-510, stormwater management regulations, and any and all trees which are not to be removed or disturbed pursuant to said permit. It shall be the obligation of the permittee to contact the City of Parkland to call for the inspection required herein. The inspector shall prepare a report to be filed with the city which indicates his/her findings as to whether adequate preparations (in accordance with applicable NPDES standards as adopted by the State of Florida and the Tree Protection Manual for Builders and Developers) have been made to protect drainage facilities, trees and vegetation as provided for herein. Should the engineer or other designee making the inspection find that adequate precautions have not been made as is required under this subsection, then, in that event, the permittee may not commence land development activities pursuant to said permit. Upon such a finding, the permittee shall have thirty (30) days from the date that the above-referenced report has been filed, to file an appeal with the city engineer of those findings. During that time, the permittee shall have a right to one (1) reinspection by the inspector. In order to obtain said reinspection, the permittee must provide the city three (3) days' written notice and pay an eighty-dollar reinspection fee, or other fee amount as established by resolution of the city commission from time to time. If the inspector determines that a remedy has been effected, he shall file a report so indicating. In that event, the permittee may commence development if all other requirements have been satisfied. The city engineer shall have the authority to either affirm or overrule the decision of the inspector with regard to the preparations for the land development activities. If land development activities commence prior to the city providing written approval of erosion and sedimentation control and tree and vegetation protection, the permittee shall pay a penalty not to exceed five hundred dollars ($500.00) per unprotected tree and shall be subject to fines as outlined in section 135-510, stormwater management regulations. All erosion and sedimentation control and tree and vegetation protection must be maintained until the city's engineer, qualified engineering consultant, or designee provides a final letter of approval for the permitted construction work.
8. Whereas a section of a proposed subdivision seeking a permit is part of a larger master plan (i.e., a single house or building, phased blocks and lots, etc.), approved master plans must accompany any permit application and all proposed construction must observe the specifications approved by Broward County for that subdivision, including master stormwater and grading plan, finish floor elevations, access roads and driveways, etc. Phased subdivisions must be self-sustained until all supporting infrastructure is in place.

(Ord. No. 2015-09, § 2(Exh. A), 9-21-2015)

Sec. 145-20. - Permit requirements for electric power line, telephone lines, television cable lines, or other signal-carrying lines.

A. *Aerial installation.* The construction or upgrading of all aerial installations of electric power lines, telephone lines, television cable lines, or other signal carrying lines in public rights-of-way shall require permits as provided in this article only if the work involves installation or relocation of supporting poles or interruption of the normal flow of traffic on the roadway, except as provided in subsection E., below. Maintenance shall not require permit.

B. *Underground installations.* The construction, maintenance, repair or removal of any underground installations of electric power lines, telephone lines, television cable lines, or other signal carrying lines in the public rights-of-way requiring excavation shall not commence prior to issuance of permit from the city engineer, except as provided in subsection E., below.

C. *Sealed plans not required.* Plans prepared and submitted for approval by the local exchange telephone service corporation or the electric power company, are not required to be signed and sealed by an engineer registered in the State of Florida.

D. *No construction before permit.* Except as provided in subsection E., below, no construction shall be started until a permit for the proposed installation has been granted by the city engineer. Violation of this article is a misdemeanor, punishable as provided by law.

E. *Emergency work.* None of the above permit procedures shall apply to emergency repair work in the public and private rights-of-way or easements. Emergency repair work is defined, for the purposes of this document, as that which must be done immediately upon discovery, in order to safeguard the public from immediate danger to life or limb, or to safeguard public health or welfare. In the event of an emergency as defined above, repair work may be started without a permit upon verbal notification being given to the city engineer. If the city engineer's offices are closed, then notification must be given as early as possible on

the next regular workday. After the emergency repair is completed and the right-of-way and/or easement is restored, a record drawing must be submitted to the city's engineer, qualified engineering consultant, or designee within ten (10) working days. Work that can be scheduled ahead of time will not be considered emergency work. Permit fees for emergency work (if applicable) shall be paid to the city within ten (10) working days.

(Ord. No. 2015-09, § 2(Exh. A), 9-21-2015)

Sec. 145-30. - Procedure for obtaining a permit.

A. The engineer of record or the developer should discuss scope of project with the city's engineer, qualified engineering consultant, or designee prior to any initial design.

B. No land disturbing activities and/or site work, including, but not limited to, roadwork, utilities, stormwater facilities, etc., shall be constructed in the city without obtaining prior City of Parkland approval (maintenance activities as determined by the city shall not require a permit). The City of Parkland evaluates applications for approval to construct facilities or associated lines based upon the following criteria:

1. Compliance to the procedures and technical specifications as contained within this chapter.
2. Compliance with city zoning regulations where applicable.
3. Compliance with the comprehensive plan as amended.
4. Compliance with city Code and ordinances.
5. No application for approval shall be granted which fails to comply with the above criteria.

(Ord. No. 2015-09, § 2(Exh. A), 9-21-2015)

Sec. 145-40. - Preliminary plan review.

A. A minimum of two (2) complete sets of drawings for the proposed work must be submitted to the city's engineer, qualified engineering consultant, or designee for plan review.

B. As soon as circumstances allow, and within approximately two (2) weeks, the engineer of record will be advised of the approvability of these drawings and what, if any, items should be reviewed. One (1) set of drawings noting all required revisions shall be returned to the engineer of record with an explanatory letter.

C. The local exchange telephone service corporation and the electric power company may normally bypass the preliminary review process at their own risk.

(Ord. No. 2015-09, § 2(Exh. A), 9-21-2015)

Sec. 145-50. - Engineering plan review fee.

An engineering plan review fee shall be paid at the time of plan submittal pursuant to the latest adopted schedule of fees adopted by the city commission. A copy of latest fee schedule may be obtained from the city clerk's office.

(Ord. No. 2015-09, § 2(Exh. A), 9-21-2015; Ord. No. 2019-012, § 7, 10-16-2019)

Sec. 145-60. - Second preliminary review fee will be required for a major redesign of the proposed work.

A second preliminary review fee may be required if a major redesign of the proposed work occurs after preliminary review approval.

(Ord. No. 2015-09, § 2(Exh. A), 9-21-2015)

Sec. 145-70. - Final plan approval.

A. *Submittal requirements.* The engineer of record shall submit a minimum of four (4) complete sets of drawings and other information as required. Revisions must be adequately shown and described on these drawings. A minimum of two (2) final sets of drawings will be approved and returned to the engineer of record. If applicable, five (5) sets of shop drawings for all proposed structures, pipes, fittings, etc., shall be provided. Shop drawings must be signed and approved by the engineer of record.

B. *Plan approval; changes; errors and omissions.* Plan approval is based primarily upon the information contained thereon. Subsequent minor revisions may be indicated upon approved prints, but must be signed and dated by representatives of the engineer of record, and the city's engineer, qualified engineering consultant, or designee, prior to the contractor proceeding with the revision. Any substantial change in materials, location or installation may void the previous plan approval and any resulting permit issued therefor until revised drawings are reviewed and approved and the permit reinstated in writing. Although there exists the possibility of unintended errors or omissions, the City of Parkland Engineering Department reserves the right to correct said errors or omissions during subsequent engineering reviews and/or during construction. Although infrequent, changes, alterations, or site-specific decisions may be necessary to ensure compliance with applicable codes and regulations.

(Ord. No. 2015-09, § 2(Exh. A), 9-21-2015)

Sec. 145-80. - Permit expiration.

A. *Expiration if work not commenced.* Permits will become invalid one hundred eighty (180) calendar days from the date of issuance if work has not begun on permitted project, unless other provisions have been made with the city or city's engineer, qualified engineering consultant, or designee.

B. *Expiration if work suspended.* Permits will become invalid upon suspension of work in excess of ninety (90) days on any permitted work, unless an extension has been granted by the city or city's engineer, qualified engineering consultant, or designee. At the discretion of the city's engineer, qualified engineering consultant, or designee, the developer and/or contractor may be granted one (1) extension per project.

C. *New application required if permit expires.* If the permittee wishes to begin, continue, or resume work after permit expiration, a new permit must be obtained with all current conditions and regulations having to be met, including new plan approval. A new permit fee will be charged for the uncompleted portion only.

D. *Project completion.* Permits will expire upon completion of the permitted work and acceptance by the owner, operator, regulatory agencies involved, and the city's engineer, qualified engineering consultant, or designee.

E. *Permit renewal after two (2) years.* Construction which exceeds a two-year period may require, at the option of the city and without additional fee, permit renewal and a project status statement.

(Ord. No. 2015-09, § 2(Exh. A), 9-21-2015)

Sec. 145-90. - Engineering permit fees.

A. The owner or contractor shall apply for an engineering permit for the construction of all infrastructure improvements (including, but not limited to, water distribution systems, sewerage collection systems, land disturbing/excavation/embankment, drainage systems, lake construction, roadway/parking lot construction, and site grading construction). The owner or contractor shall provide four (4) sets of construction drawings and an engineer's construction cost estimate, both signed and sealed by a Florida-registered professional engineer. Such estimated costs shall be approved by the city's engineer, qualified engineering consultant, or designee. A fee in the amount of two (2) percent of the total construction costs of water distribution and sewerage collection systems, and a fee in the amount of five (5) percent of the total construction costs of all other infrastructure improvements shall be paid in full prior to receiving an engineering permit from the engineering division. This fee shall cover all costs associated with engineering division inspection costs. All fees are nonrefundable. Permit fees shall be derived from an engineer's opinion of costs and/or approved bid contract by a licensed, qualified contractor in the State of Florida, whichever is higher. The minimum right-of-way permit fees shall be pursuant to the latest adopted schedule of fees adopted by the city commission. A copy of the latest fee schedule may be obtained from the city clerk's office.

B. Engineering review and inspection fees associated with construction permits issued through the development services department shall be pursuant to the latest adopted schedule of fee adopted by the city commission. A copy of the latest fee schedule may be obtained from the city clerk's office.

(Ord. No. 2015-09, § 2(Exh. A), 9-21-2015; Ord. No. 2019-012, § 7, 10-16-2019)

Sec. 145-100. - Permit fees to be paid in the form of checks.

Permit fees shall be paid in the form of checks made payable to the City of Parkland, Florida.

(Ord. No. 2015-09, § 2(Exh. A), 9-21-2015)

Sec. 145-110. - Double permit fee.

A double permit fee will be charged pursuant to the latest adopted schedule of fees adopted by the city commission when work to be permitted is begun prior to issuance of the required permit unless said work is deemed unpermittable, in which case it shall be removed within ten (10) days. A copy of the latest fee schedule can be obtained from the city clerk's office.

(Ord. No. 2015-09, § 2(Exh. A), 9-21-2015; Ord. No. 2019-012, § 7, 10-16-2019)

Sec. 145-120. - Reinspection, re-testing, and redesign fees.

A reinspection fee will be charged each time the city engineer must visit any job site to reinspect any installation or portion thereof that has failed to meet city requirements on a previous test or scheduled inspection, pursuant to the latest adopted schedule of fees adopted the city commission. All punch list items must be addressed before a final inspection. The contractor will be charged for performance of each additional final inspection, pursuant to the latest adopted schedule of fees adopted by the city commission. One (1) final walkthrough for the purpose of creating a punch list will be required; this walkthrough shall not be considered a final inspection. A copy of the latest fee schedule can be obtained from the city clerk's office or city engineering website.

(Ord. No. 2015-09, § 2(Exh. A), 9-21-2015; Ord. No. 2019-012, § 7, 10-16-2019)

Sec. 145-130. - Notice of cancellation of any test or scheduled inspection.

Notice of cancellation of any test or scheduled inspection must be given at least twenty-four (24) working hours prior to the scheduled time, to permit rescheduling of the inspector to another location. Failure to do so will result in the test or inspection being counted as a failure, and a reinspection or re-test fee being charged upon rescheduling of same.

(Ord. No. 2015-09, § 2(Exh. A), 9-21-2015)

Sec. 145-135. - Engineering permit, review and inspection fees schedule.

Engineering permit, review and inspection fees as defined in sections 145-50, 145-90 and 145-120 may be amended from time to time by resolution of the city commission. A copy of the latest fee schedule can be obtained from the city clerk's office or city engineering website. In addition, the city shall reserve the right to waive engineering permit, review and inspection fees for city projects.

(Ord. No. 2019-012, § 7, 10-16-2019)

Sec. 145-140. - Impairment fee.

An impairment fee will be assessed for each open cut into a final lift of a paved roadway. The amount of the fee will be based upon the age of the pavement and the number of lanes cut (or in the case of lines parallel to the roadway, the length of the cut) as shown in the table below. Pavement age is defined as the elapsed time since the road was constructed or resurfaced. No open cuts will be allowed without approval from the city's engineer, qualified engineering consultant, or designee.

IMPAIRMENT FEE CALCULATION TABLE

For lines crossing major, arterial and collector roadways:

Age of Roadway	Fee Per Lane to Be Patched	Minimum Fee Per Crossing
Up to 5 years	$500.00	$500.00
Over 5 years	$250.00	$250.00

For lines parallel to major collector roadways under pavement:

Age of Roadway	Fee Per Linear Foot of Patch	Minimum Fee Per Location
Up to 5 years	$10.00	$500.00
Over 5 years	$5.00	$500.00

Local and service roadways fees shall be calculated at a rate of twenty-five (25) percent of those listed above. In addition, city shall reserve the right to waive impairment fees for city projects.

(Ord. No. 2015-09, § 2(Exh. A), 9-21-2015)

Sec. 145-150. - Performance bonds.

A. *Bond required.* A performance bond shall be required for construction in private rights-of-way relating to the construction of roadways and infrastructure improvements. A performance bond shall be posted for construction in public rights-of-way and easements relating to all improvements. A performance bond shall be posted in the form of certified check, surety bond or letter of credit.

B. *Bond form.* Bonds shall be irrevocable and shall indemnify the City of Parkland against costs of restoring or maintaining the public and private rights-of-way or easements due to, or arising from, failure of the permittee to complete the work properly, to pay fully for labor, material and/or equipment supplied for the project, or for a failure in the rights-of-way or easements related to the permitted installation for a period of two (2) years after the permitted work is completed and approved by the city engineer. Bond form must be acceptable to the city and its city attorney. In the case of private rights-of-way, an agreement acceptable to the city commission may be substituted for a warranty bond. In addition, the city shall reserve the right to waive performance and warrenty bonds for city projects.

(Ord. No. 2015-09, § 2(Exh. A), 9-21-2015; Ord. No. 2019-012, § 7, 10-16-2019)

Sec. 145-160. - Warranty bond.

The warranty bond amount shall be for a period of two (2) years at a bond amount of twenty-five (25) percent of the cost of all related construction. A warranty bond covering work performed in public rights-of-way and easements shall commence upon final release of the performance bond. A warranty bond shall be provided and remain in effect until two (2) years after the city's engineer, qualified engineering consultant, or designee provides written approval of the final phase infrastructure

improvements within a plat. A two-year warranty bond shall be posted for construction in private rights-of-way relating only to the construction of roadways and infrastructure improvements.

(Ord. No. 2015-09, § 2(Exh. A), 9-21-2015; Ord. No. 2019-012, § 7, 10-16-2019)

ARTICLE 150. - TELECOMMUNICATION TOWERS AND ANTENNAS

Sec. 150-10. - Legislative intent.

The regulations and requirements of this article establish general guidelines for the siting of wireless communications towers and antennas and are intended to accomplish the following purposes:

(1) Promote the health, safety and general welfare of the public by regulating the siting of wireless communication facilities, including satellite earth stations;
(2) Minimize the impacts of wireless communication facilities on surrounding areas by establishing standards for location, structural integrity and compatibility;
(3) Encourage the location and collocation of wireless communication equipment on existing structures thereby minimizing new visual, aesthetic and public safety impacts, effects upon the natural environment and wildlife, and to reduce the need for additional antenna-supporting structures;
(4) Accommodate the growing need and demand for wireless communication services;
(5) Encourage coordination between suppliers of wireless communication services in the City of Parkland;
(6) Respond to the policies embodied in the Telecommunications Act of 1996 in such a manner as not to unreasonably discriminate between providers of functionally equivalent personal wireless service or to prohibit or have the effect of prohibiting personal wireless service in the city;
(7) Establish predictable and balanced codes governing the construction and location of wireless communications facilities, within the confines of permissible local code;
(8) Establish review procedures to ensure that applications for wireless communications facilities are reviewed and acted upon within a reasonable period of time and in compliance with all applicable federal and state laws;
(9) Protection of the unique natural beauty and rural character of the town while meeting the needs of its citizens to enjoy the benefits of wireless communications services;
(10) Enhance the ability of the providers of wireless communications services to provide to the community reliable wireless communications services based on best practices through an efficient and timely application process;
(11) To comply with the requirements of Section 6409 of the Middle Class Tax Relief and Job Creation Act of 2012, the Telecommunications Act of 1996 and F.S. § 365.172.

(Ord. No. 2015-09, § 2(Exh. A), 9-21-2015)

Sec. 150-20. - Definitions.

As used in this division [article], the following words, terms and phrases when used in this division [article] shall have the meanings set forth below, and for the purpose of this article shall control over any other definitions contained in the city's Code of Ordinances. Words not defined shall be given their common and ordinary meaning.

Accessory use means a secondary use including a use that is related to, incidental to, subordinate to and subservient to the main use of the property on which an antenna and/or telecommunications tower is sited.

Amateur radio antenna means an antenna used to engage in amateur radio communications as licensed by the FCC and in accordance with federal law.

Antenna means a transmitting and/or receiving device mounted on a telecommunications tower, pole, building or structure and used in wireless communications services that radiates or captures electromagnetic waves, digital signals, analog signals, radio frequencies, wireless communications signals and other communications signals, including directional antennas such as panel and microwave dish antennas, and omni-directional antennas such as whips, but excluding radar antennas, amateur radio antennas and satellite earth stations.

Applicant means any party submitting an application within the meaning of this division [article].

Application means any proposal, submission or request to construct, operate, or maintain a telecommunications tower, equipment facility, wireless communications facility, or antenna within the city or to seek any other relief from the city pursuant to this division [article].

Array means a group of antennas that are either (i) mounted or side mounted on the rooftop of a building or rooftop structure(s); or (ii) directly or indirectly mounted on a telecommunications tower.

Attached wireless communication facility means an antenna or antenna array that is attached to an existing building or other existing non-tower structure, with any accompanying device which attaches it to the building, non-tower structure, transmission cables, and an equipment enclosure, which may be located either inside or outside of the existing building or non-tower structure. An attached wireless communications facility is considered to be an accessory use to the existing principal use on a site.

Broadcasting facility means any telecommunications tower or antenna built primarily for the purpose of broadcasting AM, FM or television signals.

Building Code means the Florida Building Code, as amended, the National Electrical Code, as amended, the National Electrical Safety Code, as amended, FCC regulations, as amended, and any other applicable federal, state, and local building codes.

Building-permit review means a review for compliance with building and related construction standards adopted by the city and does not include a review for compliance with land development regulations.

Carrier means a company licensed by the Federal Communications Council (FCC) that provides wireless services. A tower builder or owner is not a carrier unless licensed to provide personal wireless services.

City means the City of Parkland, Florida.

Collocation means the situation when a second or subsequent wireless provider uses an existing structure to locate a second or subsequent antenna or when the initial wireless provider uses an existing structure to locate a second or subsequent antenna. 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 antennas.

Commercial mobile radio services means, per section 704 of the Telecommunications Act of 1996, any of several technologies using radio signals at various frequencies to send and receive voice, data and video.

Equipment facility means a room, cabinet, shelter, pedestal, build-out of an existing structure, building, or similar structure used to house ancillary equipment for a telecommunications tower or antenna. Each such cabinet, shelter, or building shall be considered a separate equipment facility.

Eligible facilities means modification of an existing wireless tower or base station that involves:

- Collocation of new transmission equipment; or
- Removal of transmission equipment; or
- Replacement of transmission equipment.

Eligible facilities request means a request or application to undertake or construct an eligible facility.

Essential services means those services provided by the city and other governmental entities that directly relate to the health and safety of its residents, including fire, police and rescue.

Existing structure means a structure that exists or a structure for which a building permit has been lawfully issued and is in effect at the time an application for permission to place an antenna on a structure is filed with the city. The term includes any structure that can structurally support the attachment of an antenna in compliance with applicable codes, excluding poles.

Extraordinary conditions means those conditions that occur subsequent to a hurricane, flood, or other natural hazard or subsequent to a defective finding on a previous inspection.

FAA means the Federal Aviation Administration.

FCC means the Federal Communications Commission.

Guyed tower means a telecommunications tower that is supported, in whole or in part, by guy wires and ground anchors.

Height means the distance measured from the ground level to the highest point of a telecommunications tower or other structure. For the purposes of measuring height, the base pad and all antennas or other attachments mounted on a structure shall be included in the measurements to determine overall height. Lightning arrestors, also known as lightning rods, shall not be included in the calculation of height.

Interference means the impairment of transmission or reception of any public safety communications, licensed frequencies or licensed radio frequencies within the city. This term embraces electrical interference in all of its forms, including, without limitation, co-channel interference, interference from inter-modulation products, and blanketing inference.

Historic building, structure, site, object, or district means any building, structure, site, object, or district that has been officially designated as a historic building, historic structure, historic site, historic object, or historic district through a federal, state or local designation program.

Land development regulations means any ordinance enacted by the city for the regulation of any aspect of development, including ordinances governing zoning, subdivisions, landscaping, tree protection, or signs, the city's comprehensive plan, or any other ordinance concerning any aspect of the development of land.

Lattice tower means a tapered structure broad at the base and narrower at the top consisting of cross-members and diagonal bracing and without guyed support.

Microwave dish antenna means a dish-like antenna used to link telecommunications sites together by wireless transmission and/or receipt of voice or data.

Monopole tower means a telecommunications tower consisting of a single pole or spire self-supported on a permanent foundation, constructed without guy wires, ground anchors, or other supports.

Nonresidential zoning district means any zoning district that does not allow dwelling units as a principal use, and includes portions of PUDs that are not approved for principal residential use.

Person means any natural person, firm, partnership, association, corporation, company, or other legal entity, private or public, whether for profit or not for profit.

Personal wireless services means commercial mobile radio services, unlicensed wireless services, and common carrier wireless exchange access services, as defined under federal law, 47 U.S.C. § 332(c)(7)(C), or as this definition may be amended from time to time, and includes, but is not limited to, cellular, personal communication services, specialized mobile radio, enhanced specialized mobile radio, and paging service. Personal wireless services shall not be considered as essential services, public safety telecommunications, public utilities or private utilities.

Pole or *utility pole* means any utility, electricity, telephone, power or light pole, erected for the purpose of and providing such services, other than any such pole owned by the city.

Pre-existing tower means a telecommunications tower for which a building permit has been properly issued prior to the effective date of this article, including permitted telecommunications towers that have not yet been constructed so long as such approval is current and not expired.

Preferred zoning districts means the zoning districts identified within this article in which the city provides a preference for the installation of wireless communications facilities.

Public safety communications means any and all non-public wireless communications systems providing services exclusively to and from police, fire, and other emergency services operating within the city.

Public rights-of-way or *ROW* means a public right-of-way, public utility easement, highway, street, bridge, tunnel, pier, waterway, dock, wharf, court, lane, path, or alley or any other property for which the city is the authority that has jurisdiction and control and may lawfully grant access to such property pursuant to applicable law, and includes the surface, the air space over the surface and the area below the surface to the extent the city holds a property interest therein. "Public rights-of-way" shall not include private property. "Public rights-of-way" shall not include any real or personal property except as described above and shall not include city buildings, fixtures, poles, conduits, facilities or other structures or improvements, regardless of whether they are situated in the public rights-of-way.

Roofline means the highest line of the structure which does not include cupolas, elevator towers, clock towers or other features that are permitted to exceed the maximum height of the buildings.

Rooftop means the exterior surface on the top of a building or structure.

Search area means the geographic area in which a wireless communications facility must be located in order to provide, at a minimum, designed service coverage, through an affidavit by a radio frequency engineer or other such appropriate technical expert. The search area includes that initial circular area which has a diameter of no less than one (1) mile designated by a wireless provider or operator for a new tower. The search area shall be determined based upon engineering considerations including grids, frequency coordination and levels of service consistent with good engineering practices.

Setbacks mean the minimum required distance from the telecommunications tower or equipment facility to the property line of the parcel on which the wireless communications facility is located.

Service provider means any person or business entity that has located or is wishing to locate a telecommunications tower or antenna within the city limits to support or to provide personal wireless services.

State means the State of Florida.

Stealth facility or tower or stealth means any wireless communications facility or tower or pole or antenna that is disguised, hidden, part of proposed or existing structure, or placed within a proposed or existing structure in a manner that makes it not readily identifiable as a wireless communications facility or designed to blend into the surrounding environment. Examples of such facilities would include, but are not limited to, architecturally screened roof mounted antenna, building-mounted antenna painted to match the existing structure, antenna integrated into architectural elements, a bell tower, spire, flagpole, etc., or other similar structures.

Substantial change means:

- The mounting of a proposed antenna on the tower that would increase the existing height of the tower by more than ten (10) percent or by the height of one (1) additional antenna array with separation from the nearest existing antenna not to exceed twenty (20) feet, whichever is greater, except that the mounting of the proposed antenna may exceed the size limits set forth in this definition if necessary to avoid interference with existing antennas; or
- The mounting of a proposed antenna that would involve adding an appurtenance to the body of the tower that would protrude from the edge of the tower more than the width of the tower structure at the level of the appurtenance, whichever is greater, except that the mounting of the proposed antenna may exceed the size limits set forth in this paragraph if necessary to shelter the antenna from inclement weather or to connect the antenna to the tower via cable.

- Notwithstanding the above, any change to a stealth antenna or stealth tower which would no longer cause the antenna or tower to be a stealth antenna or tov be considered a substantial change.

Telecommunications Act means the Telecommunications Act of 1996, Pub. L No. 104-104, codified at 47 U.S.C., and as may be amended from time to time.

Telecommunications tower or *tower* means any structure, and support thereto, designed and constructed or proposed to be used primarily for the purpose of supporting one (1) or more antennas intended for transmitting or receiving personal wireless services, telephone, radio and similar communication purposes, including stealth, monopole, and guyed towers. The term includes radio and television transmission telecommunications towers, microwave telecommunications towers, common-carrier telecommunications towers, and cellular telephone telecommunications towers, among others. Poles are only a support structure and are not a telecommunications tower.

Whip antenna means a cylindrical antenna that transmits signals in three hundred sixty (360) degrees.

Wireless communications facility means any equipment or facility used to provide personal wireless service and may include, but is not limited to, antennas, towers, equipment facility, cabling, antenna brackets, and other such equipment. Placing a wireless communications facility on an existing structure does not cause the existing structure to become a wireless communications facility. It also means personal wireless services facilities, as defined under federal law, 47 U.S.C. § 332(c)(7)(C), as this definition may be amended from time to time, and includes, but is not limited to, antennas and radio-transmitting telecommunications towers, and associated facilities used to transmit telecommunications signals. Poles are only a support structure and are not a wireless communications facility. An open video system is not a wireless communications facility to the extent that it provides video services; a cable or video system is not a wireless communications facility to the extent that it provides cable or video services.

(Ord. No. 2015-09, § 2(Exh. A), 9-21-2015)

Sec. 150-30. - Applicability.

A. To the extent permitted by applicable federal and state law, all new wireless communications facilities shall comply with these regulations. To the extent permitted by applicable federal and state law and as set forth below, these regulations shall apply to the reconstruction or modifications of existing facilities.

B. Pre-existing telecommunications towers or antennas shall not be required to meet the requirements of this ordinance [article], other than the specific requirements set forth in this article for such facilities; further certain eligible facilities shall be subject to special treatment as set forth herein.

C. Broadcasting facilities/amateur radio station operators/receive only antennas. This article shall not govern any broadcasting facility or a wireless communications facility owned and operated by a federally-licensed amateur radio station operator or which is used exclusively for receive only antennas; however, requests for placement of an amateur radio antenna in the city shall be processed in accordance with applicable law.

D. Pending applications. This article shall apply to pending applications for wireless communications facilities, as defined herein unless prohibited by applicable law.

E. Not essential services. The providing of personal wireless services and the siting and construction of wireless communications facilities shall be permitted pursuant to this article and shall not be permitted as essential services or public safety telecommunications as defined herein.

F. Except for matters herein specifically reserved to the city commission, the city manager shall be the principal city official responsible for the administration of this article. The city manager may delegate any or all of the duties hereunder unless prohibited by applicable law.

G. AM array. For purposes of implementing this article an AM array, consisting of one (1) or more tower units and supporting ground system which functions as one (1) AM broadcasting antenna shall be considered one (1) tower. Measurements for setbacks and separation distances shall be measured from the outer perimeter of the towers included in the AM array. Additional tower units may be added within the perimeter of the AM array by right.

H. An applicant must submit an application and pay the applicable fees as set forth herein or as may be modified by the city commission by resolution or ordinance.

I. Exemptions:

   a. Emergency wireless telecommunication owned by the city, or other public agency and used wholly or in part for the public safety or emergency communication purposes;

   b. Antennas used solely for broadcast radio or television reception as an accessory use to a home or business.

   c. Antennas legally operated by FCC-licensed amateur radio operators as an accessory use to a home or business.

(Ord. No. 2015-09, § 2(Exh. A), 9-21-2015)

Sec. 150-40. - Application requirements for towers and tower modifications.

Nothing contained herein shall be construed to require information on or an evaluation of a wireless provider's business decisions about its service, customer demand for its service, or quality of its service to or from a particular area or site, unless the wireless provider voluntarily offers this information to the city. These regulations shall not be construed to require information on or evaluation of the wireless provider's designed service unless the information or materials are directly related to an

identified land development or zoning issue or unless the wireless provider voluntarily offers the information. The city's review shall however provide for a full review of all appropriate land development and zoning regulations applicable to the proposed facility. For said purpose the following application requirements shall be applicable and shall be required for the city development review.

A. Unless exempted from these requirements, or specifically provided otherwise herein, as set forth below, or as otherwise required by state or federal law, permits shall be required for the installation of wireless communications facilities, including, but not limited to, telecommunications towers and modifications thereto.

B. In addition to the submission requirements for an application for site plan review pursuant to section 40-10, site plan requirements, and as may be provided by any other provision of the land development code, the following information must be included in all applications, including applications for installations of telecommunications towers or modifications thereto:

(Ord. No. 2015-09, § 2(Exh. A), 9-21-2015)

Sec. 150-50. - Attached wireless communications facilities.

A. Application and approval criteria for attached wireless communications facilities: An attached wireless communications facilities shall undergo administrative site plan review in the manner set forth in below and shall also include community appearance review; provided that the requirements contained herein, shall be supplemental to any such review requirements and the application shall demonstrate compliance with each and every requirement set forth in this subsection and in section 150-100, standards for antennas, with respect to the antennas to be employed; therefore, in addition to the administrative site plan review requirements set forth in the land development code, the application shall address each and every requirement listed in this subsection and in section 150-100, standards for antennas. For a proposed attached wireless communications facility to be approved, it shall meet the approval criteria, set forth below. Collocations meeting the requirements set forth in section 150-60, collocations, subsection 2. shall be governed by the requirements provided for therein. Unless otherwise permitted as set forth in section 150-80, development, zoning, building, and inspection standards and requirements for wireless communications facilities, subsection 6., attached wireless facilities shall not be permitted in residential or agricultural districts.

1. For a proposed attached wireless communications facility to be approved, it shall meet the approval criteria, set forth below.
   a. *Height.*
      1. For buildings in excess of sixty (60) feet in height, the antenna, antenna array, attachment device, equipment enclosure and/or any ancillary equipment located on the rooftop of the building shall not extend above the highest point of the building by more than twenty (20) feet if a stealth antenna and ten (10) feet if a non-stealth antenna; for buildings more than fifty (50) feet in height but less than sixty (60) feet in height they may not extend above the highest point of the building by more than ten (10) feet if a stealth antenna and eight (8) feet if a non-stealth antenna; and
      2. For buildings or non-tower structures less than fifty (50) but more than thirty-five (35) feet in height the antenna, antenna array, attachment device, equipment enclosure and/or any ancillary equipment shall be stealth and shall not exceed the height of the structure by more than eight (8) feet. No antennas shall be permitted on buildings or non-tower structures less than thirty-five (35) feet in height.
      3. For attached wireless communication facilities, which are attached to a building and not located on the rooftop of the building, the antenna shall be a stealth antenna and shall be located at least forty (40) feet above the ground.
   b. *Construction.* Attached facilities may have a monopole type construction only; and
   c. *Color.* No attached antenna or antenna arrays, equipment enclosures and ancillary equipment shall be visible from outside the building where they are located unless the applicant demonstrates that a different location is required to provide the designed level of service. The antenna and support structure shall be painted so as to blend in with the building or structure where they are placed or enclosed within a building; and
   d. *Screening and placement.*
      1. Attached wireless communications facilities on a building rooftop shall, to the extent physically feasible, be screened by a parapet or other device so as to minimize its visibility as measured from the boundary line of the lot of record (as differentiated from lease parcel) on which it is located. Attached facilities shall be placed in the center of the building where reasonably possible so as to further minimize visual impact and may not occupy more than twenty-five (25) percent of the roof top unless the applicant demonstrates to the reasonable satisfaction of the city that such placement is not feasible for the provision of services; and
      2. An attached wireless communications facility shall only be permitted in nonresidential and nonagricultural zoning districts. Attached wireless communications facilities are prohibited in residential zoning districts except as may be allowed pursuant to section 150-80, development, zoning, building, and inspection standards and requirements for wireless communications facilities, subsection 6., and portions of planned unit development districts approved for residential use with the limited exception of buildings in residential zoning districts with a height of at least fifty (50) feet and only where the antenna is located on the roof of the building and shall either be a stealth antenna or screened from view from the ground and, in any case, may not exceed the height of the building by more than ten (10) feet.
      3. Where the attached wireless communications facility is not located on a building, it shall be a stealth antenna and shall not exceed the structure upon which it is located by more than ten (10) percent of the height of the structure.
   e. *[Permitted signage.]* The only signage that is permitted upon an antenna-supporting structure, equipment enclosures, or fence (if applicable) shall be

informational, and for the purpose of identifying the antenna-supporting structure, (such as ASR registration number) as well as the party responsible for the operation and maintenance of the facility, its current address and telephone number, security or safety signs, and property manager signs (if applicable). If more than two hundred twenty (220) voltage is necessary for the operation of the facility and is present in a ground grid or in the tower, signs located every twenty (20) feet and attached to the fence or wall shall display in large, bold, high contrast letters (minimum height of each letter: four (4) inches) the following: "HIGH VOLTAGE—DANGER."

f. *[Monopole type construction.]* The antenna-supporting structures shall have a monopole type construction only, and shall not be guyed or have a lattice type construction.

g. *[Design requirements.]* The entire antenna-supporting structure and all appurtenances shall be designed pursuant to the wind speed design requirements of ASCE 7-95, including any subsequent modification to those specifications. And the attachment shall similarly withstand such wind speed design requirements. A certification by an engineer licensed to practice in the state or by an engineer exempt from such requirement under state law to these facts shall be provided by the applicant.

h. *[Illumination.]* The antenna-supporting structures shall be illuminated in accordance with FAA requirements to provide aircraft obstruction lighting, where required. Any lighting required by the FAA must be of the minimum intensity and number of flashes per minute (i.e. the longest duration between flashes) allowable by the FAA. No other structure lighting shall be permitted except that required by the FAA.

B. *Submittal requirements for attached wireless communications facility applications:*

1. For a proposed attached wireless communication facility application to be considered complete, in addition to the requirements for administrative site plan review, it shall contain the following:

a. Dimensions of the proposed antenna specified for all three (3) directions: height, width and breadth. These shall be provided for the antennas, mounts, equipment facilities and security barrier, if any; and

b. A description of the height of the building or non-tower structure, the dimensions of the surface of the antenna mounting area, the size of the antenna, a description of the mounting and support structures;

c. A visual impact analysis, with a minimum of two (2) photo digitalization or photographic superimpositions of the pre-existing tower and proposed antenna within the subject property. The photo digitalization or photographic superimpositions shall be provided for all attachments, including: the antennas, mounts, equipment facilities, any other equipment necessary to install and operate the antenna and security barrier, if any, for the total height, width and breadth, as viewed from distances of two hundred fifty (250) feet and five hundred (500) feet or at other points agreed upon in a pre-application conference;

d. Prior to issuance of a building permit, a statement by an engineer licensed to practice in the state or by an engineer exempt from such requirement under state law specifying the design structural failure modes of the proposed facility;

e. Other information necessary to demonstrate compliance with the criteria set forth herein.

2. Certification from an engineer licensed to practice in the state or by an engineer exempt from such requirement under state law and the applicant that the structure or rooftop to which the facility will be attached has the structural capability to accommodate such attachment, in accordance with the provisions of the current Florida Building Code and that the facility shall not cause interference with any City of Parkland public safety transmissions.

3. Attached wireless communications facility applications shall undergo administrative site plan review only.

(Ord. No. 2015-09, § 2(Exh. A), 9-21-2015)

Sec. 150-60. - Collocations.

A. No collocation shall be permitted except after review and approval by the city as set forth herein. The following information must be included in collocation applications (except for eligible facilities requests) which do not meet the criteria set forth in subsections B., and C. below:

1. An engineering report, from an engineer licensed to practice in the state or by an engineer exempt from such requirement under state law, and with experience with radio frequency and wireless communications facilities that shall include:

a. A statement of compliance with this article and all applicable building codes, associated regulations and safety standards as provided herein. The statement shall include certification that the existing structure can support the load superimposed from the antenna(s).

b. The type of antenna and specifics of design including, if appropriate, the following:

1. Equipment brochures for the proposed antenna such as manufacturer's specifications or trade journal reprints. These shall be provided for the antennas, mounts, equipment facilities, cables as well as cable runs, and security barrier, if any;

2. Materials of the proposed antenna specified by generic type and specific treatment (i.e., anodized aluminum, stained wood, painted fiberglass, etc.). These shall be provided for the antennas, mounts, equipment facilities, cables as well as cable runs, and security barrier, if any;

3. Colors of the proposed antenna represented by a color board showing actual colors proposed. Colors shall be provided for the antennas, mounts, equipment facilities, cables as well as cable runs, and security barrier, if any;

4. Dimensions of the proposed antenna specified for all three (3) directions: height, width and breadth. These shall be provided for the antennas, mounts, equipment facilities and security barrier, if any; and

5. A visual impact analysis, with a minimum of two (2) photo digitalization or photographic superimpositions of the pre-existing tower and proposed antenna within the subject property. The photo digitalization or photographic superimpositions shall be provided for all attachments, including: the antennas, mounts, equipment facilities, any other equipment necessary to install and operate the antenna and security barrier, if any, for the total height, width and breadth, at a distance of two hundred fifty (250) feet and five hundred (500) feet from a property within that range, as required for community appearance board review, or at other points agreed upon in a pre-application conference.

c. Current wind-loading capacity and a projection of wind-loading capacity using different types of antennas as contemplated by the applicant. No tower shall be permitted to have its wind loading capacity lower than as provided for by the Florida Building Code.

2. If applicable, a signed affidavit from the landowner or tower owner that an executed lease agreement with a service provider for placement of the wireless communications facility collocation exists or will be executed upon approval of the application, and where the wireless communications facility will be collocated; and
3. Additional information that the city may request, consistent with this chapter, article, and applicable law, to process the application. In the event the city requests any additional information, the time in which an application is processed shall be tolled pending receipt and further evaluation.

B. Collocations on towers, including nonconforming towers are subject only to building permit review, which may include a review for compliance with this section, if they meet the following requirements:
1. The collocation does not increase the height;
2. The collocation does not increase the ground space area, commonly known as the compound, approved in the site plan for equipment facilities and ancillary facilities, except as allowed under this subsection D., below; and
3. The collocation consists of antennas, equipment facilities, and ancillary facilities that are of a design and configuration consistent with all applicable regulations, restrictions, or conditions, if any, applied to the initial antennas placed on the tower and to its accompanying equipment facilities and ancillary facilities and, if applicable, applied to the tower supporting the antennas. Such regulations may include the design and aesthetic requirements, but not procedural requirements, other than those authorized by this section, of the applicable land development regulations in effect at the time the initial antennas placement was approved.
4. Such collocations are not subject to any design or placement requirements of land development regulations in effect at the time of the collocation that are more restrictive than those in effect at the time of the initial antennas placement approval, to any other portion of the land development regulations, or to public hearing review. Such collocation applications are not subject to the city commission's approval and shall be decided by the city manager or designee.

C. Applications for collocation (other than on towers). Except for a historic building, structure, site, object, or district, the following collocation applications on all other existing structures shall be subject to no more than administrative review for compliance with this section and building permit standards if they meet the following requirements:
1. The collocation does not increase the height;
2. The collocation does not increase the existing ground space area by more than twenty-five (25) percent, otherwise known as the compound, if any, approved in the site plan for the equipment facility and ancillary facilities. The city manager shall require a new landscape plan for the expanded ground space area indicating, at a minimum, compliance with the previous conditions of approval or buffer requirements at the time the previous landscape plan or buffer was approved.
3. The collocation consists of antennas, the equipment facility and ancillary facilities that are of a design and configuration consistent with any applicable structural or aesthetic design requirements and any requirements for location on the structure in effect at the time of approval of the structure, but not prohibitions or restrictions on the placement of additional collocations on the existing structure or procedural requirements, other than those authorized by this section of the article at the time of the collocation application; and
4. The collocation consists of antennas, the equipment facility and ancillary facilities that are of a design and configuration consistent with all applicable restrictions or conditions, if any, that do not conflict with subsection 3. and were applied to the initial antennas placed on the structure and to its accompanying the equipment facility and ancillary facilities and, if applicable, applied to the structure supporting the antennas.

D. If only a portion of the collocation does not meet the requirements of any of the above subsections, such as an increase in the height or a proposal to expand the ground space approved in the site plan for the equipment facility by more than ten (10) percent, where all other portions of the collocation meet the requirements of this subsection, that portion of the collocation only, may be reviewed by the city commission after review and recommendation by the planning and zoning board, as applicable. A collocation proposal under this subsection that increases the ground space area, otherwise known as the compound, approved in the original site plan for equipment facilities and ancillary facilities by no more than a cumulative amount of four hundred (400) square feet or fifty (50) percent of the original compound size, whichever is greater, shall require no more than administrative site plan review for compliance with the city's regulations, including, but not limited to, land development regulations review, and building permit review; provided, however, that any collocation proposal that increases the original compound size more than such greater cumulative amount shall be reviewed as if it were a new wireless communications facility.

E. The replacement of or modification to a wireless communications facility, except a tower, that results in a wireless communications facility not readily discernibly different in size, type, and appearance when viewed from ground level from surrounding properties, and the replacement or modification of equipment that is not visible from surrounding properties, all as reasonably determined by the city manager or his designee, shall require submittal of a

building permit for approval by the city. This requirement shall not supersede any lease agreement between a service provider and landowner, including the city.

F. The owner of the pre-existing tower on which the proposed antennas are to be collocated shall remain responsible for compliance with any applicable condition or requirement of a permit or agreement, or any applicable condition or requirement of the land development regulations to which the pre-existing tower must comply, including any aesthetic requirements, provided the condition or requirement is not inconsistent with this section.

G. Collocations not meeting the requirements set forth in subsections B. and C. above shall undergo administrative site plan review and community appearance review and shall meet the standards and additional requirements below and the applicable building codes.

(Ord. No. 2015-09, § 2(Exh. A), 9-21-2015)

Sec. 150-70. - Application fees, application review process.

A. All applications shall be accompanied by the applicable nonrefundable filing fee as follows:

1. *Filing fee.*

a. An application shall be accompanied by a nonrefundable filing fee in the following amount:

1. New telecommunications tower or equipment facility $1,500.00
2. Application for attached wireless facility $1,000.00
3. Antenna array for collocation (other than those satisfying the criteria set forth in subsection 1 and 2 or which are eligible facilities) $750.00

b. The application fees are in addition to any other fees imposed by the city's Code. The city commission may amend the amount of the filing fees from time to time by resolution. All appropriate building permit fees shall also be paid.

c. *Cost recovery.* The purpose of the filing fee is to defray the city's costs in processing the application. All reasonable expenses incurred by the city in considering and processing the application, including, but not limited to, consulting and legal costs, shall be off-set from the filing fee. If, however, the expenses exceed the amount of the filing fee, to the extent not prohibited by applicable law, the applicant shall pay the difference within thirty (30) days of the date it receives notice of such additional expenses. If the additional fees are not received by the city within thirty (30) days of the date of notice, the city shall notify such applicant and the applicant shall pay an additional late fee at the rate of eighteen (18) percent per annum of the amount unpaid or underpaid, provided, however, that such rate does not exceed the maximum amount allowed under the applicable law. In such case, the rate will be the maximum allowed by law. If the city does not receive said fee in total within sixty (60) days of the date of notice, the city shall notify the applicant in writing and may revoke any approval. Cost recovery shall be administered pursuant to the provisions of sections 2-234—2-237 of the Code of Ordinances.

B. The following procedures apply to construction of a new tower:

1. The city manager or designee shall review the application for consistency with the city's comprehensive plan, land development regulations including this article, and compatibility of the proposed wireless communications facility with the surrounding neighborhood. For applications that are not subject to the city commission's approval pursuant to this article, the city manager or designee shall issue a written decision either granting or denying an application. The city manager or designee shall not grant an application for a proposed wireless communications facility that will interfere with any public safety communications, or is otherwise not in compliance with this article. In the event the city manager or designee denies an application, the city manager or designee shall set forth the reasons for denial in writing.
2. Notification of completeness. The city manager or designee shall notify the applicant within twenty (20) business days after the date the application is submitted as to whether the application is, for administrative purposes only, properly completed and has been properly submitted in accordance with the requirements set forth above. However, such determination shall not be deemed as an approval of the application. Such notification shall indicate with specificity any deficiencies which, if cured, could make the application properly completed.
3. In the event that the city manager or designee determines that a proposed wireless communications facility subject to the city commission's approval is not in compliance with this article, the city manager or designee may recommend that the city commission deny the application and shall set forth the reasons for denial in writing, in accordance with applicable law. Provided, however, that in the event a proposed wireless communications facility is not in compliance with one (1) or more requirements of this article, the city manager may recommend approval of the application if the city manager determines that the requested modification to the development standards of this article will not be detrimental to the city.
4. After the city manager or designee has determined that the application is ready to be processed, the application shall be forwarded, as applicable, depending on the type of application, to the appropriate staff, the planning and zoning board, and the city commission pursuant to the requirements of this article, in accordance with applicable law. The city commission shall consider the application, the recommendation planning and zoning board, conduct a community appearance review where applicable, the city manager or designee's recommendation, and any additional evidence presented by the applicant, city staff and the public.
5. Any decision of the city commission to deny an application shall authorize the city manager or designee to set forth in writing the city commission's reasons for the denial. It is the intent of this section to establish a procedure for compliance with the "written decision" and "substantial evidence" requirements of the Telecommunications Act, 47 U.S.C. § 332(c)(7)(B)(iii).

6. The city shall grant or deny each properly completed application for a collocation based on the application's compliance with this article, applicable provisions Code and any other applicable regulations, and within the normal timeframe for a similar building permit review but in no case later than forty-five (45) busine after the date the application is determined to be properly completed. This timeframe shall not apply to lease negotiations for collocation on city-owned prope facilities shall be subject to the requirements set forth in section 150-130, installations on municipal property.
7. The city shall grant or deny each properly completed application for any other wireless communications facility based on the application's compliance with this article and any other applicable law, including, but not limited to, the City Code and within the normal timeframe for a similar type of review, but in no case later than ninety (90) business days after the date the application is determined to be properly completed. This timeframe shall not apply to lease negotiations for wireless communications facilities on city-owned property.
8. An application is deemed submitted or resubmitted on the date the application is received by the city. If the city does not notify the applicant in writing that the application is not completed in compliance with the city's regulations within twenty (20) business days after the date the application is initially submitted or additional information resubmitted, the application is deemed, for administrative purposes only, to be properly completed and properly submitted. However, the determination shall not be deemed as an approval of the application. If the application is not completed in compliance with the city's regulations, the city shall so notify the applicant in writing indicating with specificity any deficiencies in the required documents or deficiencies in the content of the required documents which, if cured, would make the application properly completed. Upon resubmission of information to cure the stated deficiencies, the city shall notify the applicant, in writing, within the normal timeframes of review, but in no case longer than twenty (20) business days after the additional information is submitted, of any remaining deficiencies that must be cured. However, if applicant does not cure the application deficiencies within twenty (20) business days after receiving the notice of deficiencies, the application shall be considered withdrawn or closed unless an extension due to reasonable circumstances of the time to cure is requested by the applicant prior to the expiration of the twenty-day period and such extension is granted by the city manager.
9. The timeframes specified above may be extended, only to the extent that the application has not been granted or denied, because the city's procedures generally applicable to all other similar types of applications require action by the city commission and/or planning and zoning board, and such action has not taken place within the specified timeframes. Under such circumstances, the city commission or planning and zoning board, as applicable, shall either grant or deny the application at its next regularly scheduled meeting, or, otherwise, the application shall be deemed automatically to be approved; accordingly, the city manager or designee may by letter to the applicant extend the timeframe for a decision until the next available scheduled meeting date of the city commission and/or planning and zoning board as to whether to grant or deny an application for a permit taken pursuant to this article.
10. The city may request, but not require, a waiver of the timeframes by the applicant, except that, with respect to a specific application. The city may require a one-time waiver in the case of a declared local, state, or federal emergency that directly affects the administration of all permitting activities of the city.
11. The city may enter into an entry and testing agreement with the wireless communications facility owner, applicant and/or operator, in a form approved by the city attorney, without approval of the city commission.
12. Notwithstanding the foregoing, the city and an applicant may voluntarily agree to waive the timeframes set forth above.
13. Appeal. If an application is denied by the city manager or designee for noncompliance with the requirements of this article then the applicant may appeal this decision to the city commission within ten (10) business days of the decision to be appealed. The appeal shall set forth the grounds for the appeal in writing. The city commission shall hear the appeal within fifteen (15) business days of its filing and rule on the appeal within three (3) days of the hearing on the appeal.
14. Modification of development standards. If an applicant seeks a modification to the wireless communications facility development standards antenna, antenna array, attachment device, equipment enclosure and/or any ancillary equipment provided in this division, the applicant shall provide the nature of the specific relief sought and the legal or engineering justification to demonstrate that, without such relief, applicability of the regulations would have the effect of prohibiting the provision of reliable and feasible personal wireless services. The application shall be heard by the city commission within thirty (30) days of the day it is filed. There shall be no fee charged for seeking this relief except for payment of any expert the city is required to retain to review the request.

(Ord. No. 2015-09, § 2(Exh. A), 9-21-2015)

Sec. 150-80. - Development, zoning, building, and inspection standards and requirements for wireless communications facilities.

A. General regulations. The standards listed in this section apply specifically to all antennas, towers and wireless communications facilities, except those owned by the city, located on property owned, leased, or otherwise controlled and approved by the city or as otherwise specified herein. The city reserves the right to modify or waive the requirements for use on public property. The city shall not be required to provide access to city property. Additional standards are set forth in section 150-90, standards for telecommunications towers, and section 150-100, standards for antennas, below and elsewhere in this article.
B. The development, construction, maintenance and repair of wireless communications facilities are subject to the regulatory supervision of the city to the full extent permitted by applicable law and shall be performed in compliance with all laws, ordinances and practices affecting such facility including, but not limited to, zoning codes, building codes, and safety codes, and as provided in this article. Unless excepted herein or by applicable state or federal law, no application

for development or construction of a wireless communications facility shall be approved by the city unless and until, pursuant to F.S. § 365.172(12)(b)(I), all applicable requirements relating to aesthetics, landscaping, land use based location priorities, structural design, setbacks, and all other applicable regulations have been addressed by the applicant and reviewed and approved by the city.

C. All proposed telecommunications towers and antennas must meet or exceed current standards and regulations of the FAA, the FCC, including emissions standards, and any other agency of the local, state or federal government with the authority to regulate towers and antennas prior to issuance of a building permit by the city. If such applicable standards and regulations are revised and require that existing facilities adhere to such revised standards, then the owners of telecommunications towers and antennas governed by this article shall bring such towers and antennas into compliance with such revised standards and regulations within ninety (90) calendar days of the effective date of such standards and regulations, unless a different compliance schedule is established by the controlling agency or other applicable law. Failure to bring into compliance with such revised standards and regulations shall constitute grounds for the removal of the telecommunications tower, antenna or wireless communications facility at the owner's expense.

D. To ensure the structural integrity of telecommunications towers installed, the owner shall construct and maintain telecommunications tower in compliance with the applicable building code, and all other applicable codes and standards. A statement shall be submitted to the city by an engineer licensed to practice in the state or by an engineer exempt from such requirement under state law certifying compliance with this section upon completion of construction and/or subsequent modification. Where an existing structure or pole is requested as a stealth facility, the stealth facility, and all modifications thereof, shall comply with all requirements as provided in this article and all other applicable standards as may be amended from time to time.

E. Inspections.

1. The city reserves the right to conduct annual inspection of wireless communications facilities at the owner's expense, to ensure compliance with this article and other applicable codes and regulations. The city may conduct more frequent inspections of wireless communications facilities, should there be an emergency or extraordinary conditions.
2. If, upon inspection, the city concludes that a wireless communications facility fails to comply with such codes and standards and constitutes a danger to persons or property, then upon notice being provided to the owner, the owner shall commence work within thirty (30) calendar days to bring such wireless communications facility into compliance with such standards. Failure to bring such wireless communications facility into compliance within sixty (60) calendar days of notice, which may be extended up to ninety (90) days by the city manager if the owner is working in good faith to cure, shall constitute grounds for requiring the removal of the facility at the owner's expense.
3. The city reserves the right to require additional inspections if there is evidence that a tower or a wireless communications facility has a safety problem or is exposed to extraordinary conditions.

F. Wireless communications facilities in residential and agricultural zoning districts. The city prohibits the placement of a wireless communications facility in a residential zoning district unless the applicant demonstrates to the satisfaction of the city that it cannot reasonably provide its personal wireless service to the residential area or zone from outside the residential area or zone. In such a case, the city and the applicant shall cooperate to determine an appropriate location for a wireless communication facility of an appropriate design within the residential area or zone. The applicant shall reimburse any and all reasonable costs and expenses incurred by the city for this cooperative determination, including attorney's fees. Such application for cooperation shall be accompanied by an application fee in the same amount as for a new tower. The cooperation application shall not be subject to the timeframes contained in this article for granting and denying applications, but the city and the applicant shall cooperate to complete the review within a reasonable amount of time. In any case, even if required to be permitted, the tower shall be a stealth tower. This section does not prohibit attached wireless communication facilities on multifamily residential buildings to the extent permitted in section 150-50, attached wireless communications facilities.

G. Hierarchy of zoning districts and siting alternatives. Development of a wireless communications facility shall be permitted in the following preferred zoning districts and in accordance with the following siting alternatives hierarchies.

1. For towers, the preferred zoning districts order of ranking, including public rights-of-way in any such zoning district, is from highest one (1) to eleven (11). Where a lower ranked alternative is proposed, the applicant must demonstrate in its application that higher ranked options are not available. The availability of a less expensive lease on a lower ranked site is not sufficient in and of itself to justify using the lower ranked alternative where a higher ranked alterative is otherwise available.
    a. I-1 Industrial.
    b. C-R Commercial Recreation District.
    c. Utilities.
    d. CF, Community Facilities District.
    e. OS Recreation/Open Space.
    f. Office Park.
    g. B-3 District.
    h. B-2 District.
    i. B-1 District.
    j. PCD and PUD.

k. All residential and agricultural districts*.

* Towers are prohibited in all residential and agricultural districts except as provided in section 150-80, development, zoning, building, and inspection standards and requirements for wireless communications facilities, subsection F. above. Only stealth towers shall be permitted in such districts.

2. The order of ranking for siting alternatives is from highest one (1) to lowest eight (8). Where a lower ranked alternative is proposed, the applicant must demonstrate in its application that higher ranked options are not available. The availability of a less expensive lease on a lower ranked site is not sufficient in and of itself to justify using the lower ranked alternative where a higher ranked alterative is otherwise available.
   a. Collocation on existing telecommunications towers or existing structures in a permitted zoning district.
   b. Placement of an antenna on an existing structure (or other collocation) in a permitted zoning district.
   c. New stealth tower.
   d. New telecommunications tower in a permitted zoning district.
   e. Any other installation in any other permitted zoning district.

H. Unstaffed communication buildings and structures.
1. Minimum setbacks. Unmanned communication buildings shall comply with the setback requirements applicable to buildings in the zoning district where such buildings are to be situated.
2. Size limitations. Any unstaffed communication building shall be a permanent structure not to exceed three hundred (300) square feet in floor area, but may be up to four hundred (400) square feet in floor area if the city approves placement of a generator within such building.
3. More than one (1) unstaffed communication building may be permitted on a site; provided, however, that the total square footage of such buildings, added together, does not exceed:
   a. One thousand two hundred (1,200) square feet if the wireless communications facility installation has the capacity to accommodate three (3) different users and provisions are made for a generator for each user on the site.
   b. One thousand six hundred (1,600) square feet if the wireless communications facility installation has the capacity to accommodate four (4) different users and provisions are made for a generator for each user on the site.
   c. Two thousand (2,000) square feet if the wireless communications facility installation has the capacity to accommodate five (5) different users and provisions are made for a generator for each user on the site.
4. If the site contains more than one (1) building, any required distance separation between the buildings may be waived by the city manager or designee, except as may be prohibited by applicable life safety codes.

(Ord. No. 2015-09, § 2(Exh. A), 9-21-2015)

Sec. 150-90. - Standards for telecommunications towers.

A. *Minimum standards.* Except where a modification to the wireless communications facilities development standards of this section is granted by the city commission as permitted herein, every telecommunications tower must meet the following minimum standards:
1. All telecommunications towers eighty (80) feet or greater in height shall be designed and constructed with the capability of accommodating at a minimum two (2) different service providers.
2. Should a telecommunications tower be permitted to be located in a residential district as a result of the process referred to in section 150-80, development, zoning, building, and inspection standards and requirements for wireless communications facilities, subsection F., the height of said tower located shall not exceed one hundred (100) feet and only stealth towers shall be permitted. Any telecommunications tower constructed in a residential area or residential zoning district shall be a stealth tower and shall be located no closer than three hundred (300) percent of the height of the telecommunications tower to any residential structure that exists or for which a building permit has been issued and is in effect at the time of construction of the telecommunications tower and shall be further limited as set forth in section 150-80, development, zoning, building, and inspection standards and requirements for wireless communications facilities, subsection F. above.
3. The height of a telecommunications tower in and nonresidential zoning districts shall not exceed:
   a. One hundred (100) feet with the capacity of accommodating three (3) different antennas;
   b. One hundred twenty (120) feet with the capacity of accommodating four (4) different antennas.*
   c. One hundred forty (140) feet with the capacity of accommodating five (5) different antennas.*

   * Must be a stealth tower.
4. Telecommunications towers or antennas shall be approved by the Federal Aviation Administration (FAA) or other appropriate agency. Prior to the issuance of a building permit(s) by the city, the applicant shall provide evidence that any telecommunications towers or antennas are in compliance with 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.

5. All proposed wireless communications facilities shall comply with current radio frequency emissions standards of the FCC.
6. All telecommunications tower sites must comply with the landscaping requirements as set forth herein. A wall six (6) feet in height constructed in accordance with the City Code, and as measured from the finished grade of the site, shall be required around the base of any tower and may be required around any accessory building or structures.
7. The minimum required landscape buffering widths shall be consistent with the requirements set forth herein shall be installed around the entire outside perimeter of the concrete wall and/or buildings, encircling the leased premises on which said telecommunications tower shall be placed. Additional landscape buffer widths may be required by the community appearance board around the outside perimeter of the wall and around any or all anchors or supports if deemed necessary to buffer adjacent properties. The city commission, upon site plan review, may require additional landscape buffer widths in excess of the above requirements as is deemed reasonably necessary in order to enhance compatibility with adjacent residential and nonresidential land uses. Landscaping shall be installed on the outside of the perimeter wall.
8. The following landscaping shall be provided:
    a. A minimum row of large trees or large palms at least sixteen (16) feet in height, or one-half (½) the height taller than the wall, whichever is larger, at a maximum distance of twelve (12) to fifteen (15) feet apart, with ten-foot to twelve-foot tall smaller trees in between them shall be planted around the perimeter of the wall.
    b. A continuous branch-touching-branch hedge (full to the ground) shall fully screen all non-accessible portions of the wall to the height of the wall or tallest element (not tower) at installation. All gates must be opaque, color and type to be approved by staff.
    c. All landscaping shall be properly installed and maintained in accordance to the approved site plan and city code requirements to insure good health and viability. All missing, dead, damaged or diseased landscaping shall be replaced with like kind per approved plans or at the established grown heights of the existing landscaping (whichever is larger) within thirty (30) calendar days of notice.
    d. In locations where the impact of the wireless communications facility abuts residential properties the city commission, after review by the community appearance board, may require such additional landscaping as necessary to protect the aesthetics and minimize the impact of the surrounding area.
    e. The city commission, upon site plan review, may require additional landscaping in excess of the above requirements as deemed reasonably necessary in order to enhance compatibility with the adjacent residential and nonresidential land uses.
9. Telecommunications towers shall only be located on parcels larger than two thousand five hundred (2,500) square feet.
10. Warning signs for high voltage and trespassing.
    a. No signs, including commercial advertising, logo, political signs, flyers, flags, or banners, but excluding warning signs, shall be allowed on any part of an antenna or tower. Any signs placed in violation of this section shall be removed immediately at the facility owner's expense.
    b. If high voltage is necessary for the operation of the telecommunications tower, associated equipment, or any accessory structures, "HIGH VOLTAGE—DANGER" warning signs shall be permanently attached to the fence or wall and spaced no more than forty (40) feet apart.
    c. "NO TRESPASSING" warning signs shall be permanently attached to the fence or wall and spaced no more than forty (40) feet apart.
    d. The height of the lettering of the warning signs shall be at least twelve (12) inches in height. The warning signs shall be installed at least five (5) feet above the finished grade.
    e. The warning signs may be attached to freestanding poles if the content of the sign may be obstructed by landscaping.
11. Mobile or immobile equipment not used in direct support of a tower facility shall not be stored or parked on the site of the telecommunications tower, unless repairs to the tower are being made.
12. The minimum setbacks shall conform to the setbacks for buildings as set forth for zoning districts where the towers are situated. Additional requirements are set forth in this ordinance relating to setbacks and the more restrictive requirement shall apply where there is a difference between the zoning code and this ordinance [article].
13. All telecommunication towers in nonresidential zoning districts shall be located no closer than two hundred (200) percent of the height of the tower from the closest residential zoning district, as measured on a straight line from the two (2) closest points between the nearest residential zoning district line and the nearest point of the proposed tower structure. Where the tower is in a residentially zoned district or within six hundred (600) feet of a residentially zoned district it shall be a stealth tower only; where the tower is more than six hundred (600) feet of but within one thousand (1,000) feet of a residentially zoned district it shall be either a monopole or stealth tower.
14. Other than as provided for in section 150-80, development, zoning, building, and inspection standards and requirements for wireless communications facilities, subsection F. above, towers are prohibited in residentially zoned districts.
15. The minimum distance separation between an existing tower and a proposed tower shall be no less than two thousand five hundred (2,500) feet as measured by a straight line between the bases of the towers. When a stealth facility or tower is proposed to be used by the applicant, or an existing tower or structure that serves another purpose, or a pole, then, in that event, the city manager or designee, may recommend a reduction in the minimum separation as set forth above up to fifty (50) percent of said minimum separation, provided that the proper landscaping and/or buffering is put in place at

the direction of the city manager or designee after approval and/or recommendation by the community appearance board, the planning and zoning board, and the city commission, as applicable. The minimum separation between a telecommunications tower over thirty (30) feet in height from paved public rights-of-way shall be one hundred (100) percent of the tower's height.

16. All buildings and other structures to be located on the same property as a telecommunications tower shall conform with the setbacks established for the underlying zoning district.
17. Each application for a wireless communications facility may be required to include written approval or a statement of no objection from other state agencies that may regulate wireless communications facility siting, design, and construction.
18. Removal of abandoned or unused facilities. A provider who has determined to discontinue its operations or part of its operations in the city must either:
    a. Remove its own facilities;
    b. Provide information satisfactory to the city manager or designee that the provider's obligations for its equipment in the public right-of-way or public easement or private property under this division [article] have been lawfully assumed by another provider; or
    c. Submit to the city manager or designee a proposal and instruments for transferring ownership of its equipment to the city for facilities located on city right-of-way or city property. If a provider proceeds under this clause, the city may, at its option:
        1. Assume ownership of the equipment with a ten-dollar nominal consideration, or
        2. Require the provider, at its own expense, to remove the equipment, or
        3. Require the provider to post a bond in an amount sufficient to reimburse the city for reasonably anticipated costs to be incurred in removing the equipment. Equipment of a provider who fails to comply with the preceding paragraph and which, for twelve (12) months, remains unused shall be deemed to be abandoned. Abandoned equipment is deemed to be a nuisance. The city may exercise any remedies or rights it has at law or in equity, including, but not limited to (i) abating the nuisance, (ii) taking possession of the equipment and restoring it to a useable condition, or (iii) requiring removal of the equipment by the provider or by the provider's surety under the bond required by herein. Telecommunications towers being utilized for other purposes, including, but not limited to, light standards and power poles, may be exempted from this provision.
19. Accessory buildings or structures. 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. All accessory buildings or structures shall require a building permit issued by the building division and/or city manager or designee.
20. Colors. Except where superseded by the requirements of other county, state, or federal regulatory agencies possessing jurisdiction over telecommunications towers, telecommunications towers shall be painted or constructed in neutral colors, designed to blend into the surrounding environment such as non-contrasting gray, earth tones of appropriate shades of green, or such other colors as determined by the community appearance board.
21. In the event a hurricane or any other weather warning is issued by the National Weather Service that may impact wireless communications facilities in the city, the city manager or designee may order a service provider to temporarily lower or secure, as applicable and feasible, any temporary, portable, or partially constructed wireless communications facilities until such time as the warning is canceled.

(Ord. No. 2015-09, § 2(Exh. A), 9-21-2015)

Sec. 150-100. - Standards for antennas.

The standards set forth herein apply to all antennas.

A. *Antenna types.* To minimize adverse visual impacts, stealth antenna types shall be preferred. If a non-stealth antenna is proposed, the application shall be required to demonstrate, in a technical manner acceptable to the city, why the stealth antenna (i.e. an antenna incorporated into the architecture of the building or tower or fully screened from view from sites proximate to the antenna) cannot be used for the particular application. This does not preclude a combination of the various types of antenna.
B. *Antenna dimensions.* A statement shall be submitted, prepared by an engineer licensed to practice in the state or by an engineer exempt from such requirement under state law and competent to evaluate antenna choices, to certify the need for the required dimensions.
    1. Whip (omni-directional) antennas and their supports must not exceed fifteen (15) feet in height and three (3) inches in diameter and must be constructed of a material or color which matches the exterior of the building or structure to which it is attached.
    2. Microwave dish antennas located below sixty-five (65) feet above the ground may not exceed six (6) feet in diameter. Microwave dish antennas located sixty-five (65) feet and higher above the ground may not exceed eight (8) feet in diameter. Ground-mounted dish antennas must be located or screened so as not to be visible from abutting public streets or adjacent properties. Microwave antennas on rooftops shall be screened from view.
    3. No more than five (5) dish antennas shall be installed on a monopole tower on only one (1) dish antenna shall be permitted below sixty-five (65) feet unless the applicant can demonstrate that more are necessary at that level in order to meet designed service requirements.
C. *[Unstaffed equipment building dimensions.]* Any related unstaffed equipment building shall not contain more than three hundred (300) square feet of gross floor area but may be up to four hundred (400) square feet in gross floor area if the city approves placement of a generator within such equipment facility,

but should not be more than ten (10) feet in height;

D. *Aircraft hazard.* Prior to the issuance of a permit by the city, the application shall provide evidence that the telecommunications tower or antenna is in compliance with 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.

(Ord. No. 2015-09, § 2(Exh. A), 9-21-2015)

Sec. 150-110. - Special provisions for certain eligible facilities modifications.

A. Notwithstanding any other provisions of this section, the city shall not deny any eligible facilities' request for a modification to an existing wireless tower or base station which does not substantially change the physical dimensions of such tower or base station provided the procedure and requirements set forth in B. below are satisfied,

B. In order to obtain approval under this subsection the applicant shall file an application on a form provided by the city and shall be obligated to demonstrate conclusively that the proposed modification satisfies the standards set forth above and that the modification shall meet all applicable building codes. The application shall provide an accurate visual representation of the effect of the proposed modification to the tower or the base station.

C. The city shall act on any such request within forty-five (45) days of receipt of a completed application which satisfies the requirements set forth above.

(Ord. No. 2015-09, § 2(Exh. A), 9-21-2015)

Sec. 150-120. - Use of public rights-of-way (ROW).

A. A service provider that desires to place or maintain a wireless communications facility in the public rights-of-way in the city shall first register with the city in accordance with subsection 105-20.D. Any wireless communications facilities subsequently constructed or installed shall comply with this article.

B. No telecommunications towers or equipment facilities may be installed or placed in the ROW, with the exception that a stealth antenna may be placed on any pole that has already been installed or placed in the ROW with the consent of the pole owner, subject to the standards in this section provided the height of the stealth antenna does not extend more than eight (8) feet above the top of such pole. An existing pole may be modified, replaced or re-built in substantially the same location to accommodate a stealth antenna so long as the height of such pole is not increased by more than eight (8) feet from its existing height. Associated equipment facilities shall be placed as forth below. Modified, replaced or re-built poles including the stealth antennas shall not exceed twenty-five (25) feet above grade level.

C. No telecommunications towers or equipment facilities shall be permitted on city-owned property with the exception of a stealth antenna on a pole permitted by the city in a license agreement approved at a public hearing noticed as provided herein. The city shall have no obligation to enter into a license agreement. The standards below for stealth antennas in the ROW shall apply to any license together with any additional conditions imposed by the city in the license agreement.

D. Development standards.

1. Stealth antennas to be installed in the ROW, including any accompanying equipment facilities, shall be subject to all requirements of this article and all site plan review and permitting requirements of the city.
2. When installing a stealth antenna on a pole, any and all associated equipment facilities shall be placed in any of the following areas:
   a. Underground in the ROW; or
   b. On an adjacent property, with the consent of the property owner provided that all the wiring is underground and all setback requirements are met; or
   c. Above ground flush-mounted on the pole, provided the equipment facilities do not exceed the diameter or width of the pole at point of mounting, subject to review and approval by the community appearance board; or
   d. Equipment cabinets to service antennas placed in the rights-of-way of may be placed in proximity to the pole within the rights-of-way, but must be no larger than three (3) feet by three (3) feet by six (6) feet and must be designed, and/or screened to aesthetically conform to landscaping and building structures in the immediate vicinity of such installation and shall be partially buried or otherwise camouflaged in such a manner as the city manager or designee may dictate. Equipment cabinets shall be placed underground if it is not commercially impracticable to do so. Mini-cellular technology shall be used to eliminate the need for equipment cabinets on the ground where it is not commercially impracticable to do so. The placement of equipment cabinets shall not cause a conflict with other public and private utilities in such right-of-way and shall be located in a manner that will allow public and private utilities to share such right-of-way with such equipment cabinets.
3. Before installing any stealth antenna on any pole already installed in the ROW, an applicant must complete the antenna application pursuant to this article and must also comply with the other applicable sections of this article. An application pursuant to this section shall not be deemed a collocation application.
4. No antenna may be installed under this section until the applicant fully complies with all the indemnification and insurance requirements of this article.
5. The city commission may grant a special exception to the prohibition on new poles to accommodate wireless communication facilities in cases where the applicant can demonstrate: the location of the utility poles is necessary to cover existing deficiencies in coverage or capacity and where it can demonstrate the collocation is not feasible, and that based on such showing, it has a right under existing state or federal law to locate a new pole within public right-of-way.

a. Notwithstanding any federal or state requirements with respect to placement wireless communications facilities in the right-of-way, the city shall have the power to prohibit or limit the placement of new or additional communications facilities within the public rights-of-way if there is insufficient space to accommodate all of the requests to place and maintain facilities in that area of the public rights-of-way, for the protection of existing facilities in the public rights-of-way, or to accommodate city plans for public improvements or projects that the city determines are in the public interest and to the extent not prohibited by applicable law or where there the request will interfere with the public's use of the right-of-way, or where the facility would pose a threat to public safety.

b. All wireless communications facilities shall be placed and maintained so as not to interfere in any material way with the use of the public rights-of-way by the public and so as not to cause materially interference with the rights and convenience of property owners who adjoin any of the public rights-of-way. The applicant shall endeavor to install all wireless communications facilities underground to the extent feasible; the height or size of any wireless communications facility shall be limited to the extent feasible. To the extent not inconsistent with public service commission regulations, the city may require the use of trenchless technology (i.e., directional bore method) for the installation of facilities in the public rights-of-way as well as joint trenching or the co-location of facilities in existing conduit. In making such requests, the city shall take into consideration several factors including inconvenience to the public and other users of rights-of-way and the economic and technical feasibility of such requests. The applicant shall be liable for the displacement, damage or destruction of any property, irrigation system or landscaping as a result of the placement or maintenance of its facility within the public rights-of-way. The applicant shall be required to site any approved facility to minimize the visual effect of the facility. The appropriate city official may issue such rules and regulations concerning the placement or maintenance of a communications facility in public rights-of-way as may be consistent with this article and other applicable law.

c. Any tower or pole shall be stealth and shall not exceed twenty-five (25) feet in height.

(Ord. No. 2015-09, § 2(Exh. A), 9-21-2015)

Sec. 150-130. - Installations on municipal property.

Applications for a new telecommunications tower on property owned, leased or otherwise controlled by the city, except for public rights-of-way, shall require a license agreement approved by the city commission and executed by the city and the owner of the proposed wireless communications facility. The approval must be by resolution. This requirement shall not apply to collocations or ground space licenses where the ground space is less than four hundred (400) square feet. A license agreement for a new tower on municipal property shall only be effective if approved by the city commission after notice to all property owners within three hundred (300) feet of the parcel upon which the tower is to be located.

(Ord. No. 2015-09, § 2(Exh. A), 9-21-2015)

Sec. 150-140. - Interference with public safety communications.

A. To the extent not inconsistent with applicable federal law, all providers of personal wireless services and all owners and/or operators of wireless communications facilities, shall not cause interference with the operations of public safety communications services. Should any such interference occur, it shall be the responsibility of the owner of the wireless communications facility to rectify the interference immediately.

B. To the extent not inconsistent with applicable law, if a provider of personal wireless services or the owner or operator of a wireless communications facility, refuses to stop the interference or to cease transmitting signals as required herein, the city may file a complaint with the FCC for resolution and/or seek an injunction against it pursuant to F.S. § 843.025, that makes it unlawful for any person to deprive a law enforcement officer of his or her radio or to otherwise deprive the officer of the means to summon assistance, or pursue any other remedy authorized by applicable law. Any person who is found to have violated this section shall be punished as provided by applicable law.

(Ord. No. 2015-09, § 2(Exh. A), 9-21-2015)

Sec. 150-150. - Replacement or modification of a wireless communications facility.

A. A telecommunications tower that is modified or reconstructed to accommodate the collocation of an additional antenna shall be of the same telecommunications tower type as the existing telecommunications tower, unless the city allows reconstruction as a monopole pursuant to this section.

B. An existing telecommunications tower may be modified or rebuilt to a taller height to accommodate an additional antenna. Such modification or rebuild of the telecommunications tower shall require the approval of the city commission. The new height shall comply with the requirements of this article.

C. A telecommunications tower that is being rebuilt to accommodate an additional antenna and which requires movement on-site from its existing location shall require an application for a new tower. After the telecommunications tower is rebuilt to accommodate collocation, only one (1) telecommunications tower may remain on the site. A relocated onsite telecommunications tower shall continue to be measured from the original telecommunications tower location for purposes of calculating separation distances between towers pursuant to this section. The relocation of a telecommunications tower pursuant to this section shall not be deemed to cause a violation of the separation requirements contained herein.

D. Modification of existing wireless communications facility. Minor modification of a wireless communications facility shall not require an additional approval so long as the modification does not change the height of the telecommunications tower, enlarge the antenna array, enlarge the equipment facility and does not

involve any collocation. All other modifications shall require approval pursuant to the requirements of this article.

E. Any pre-existing tower, including a nonconforming tower, may be structurally modified to permit collocation or may be replaced through no more than administrative review for compliance with this article and building permit review, and is not subject to public hearing review, if the overall height of the tower is not increased and, if the replacement tower is a monopole tower or, if the pre-existing tower is a stealth tower, the replacement tower is a similar stealth tower.

F. Rebuilding damaged or destroyed nonconforming towers or antennas. Legal nonconforming telecommunications towers or antennas that are damaged or destroyed may be rebuilt subject to the provisions of this article. Building permits to rebuild the facility shall comply with the then applicable building codes and shall be obtained within one hundred eighty (180) calendar days from the date the facility is damaged or destroyed. If no permit is obtained or if the permit expires, the telecommunications tower or antenna shall be deemed abandoned as specified herein.

(Ord. No. 2015-09, § 2(Exh. A), 9-21-2015)

Sec. 150-160. - Indemnification, insurance, security funds, and violations.

A. *Indemnification.* The city shall not enter into any lease agreement with any provider for the use of city-owned property for installation of wireless communications facilities until and unless the city obtains an adequate indemnity from such provider. The indemnity must at least:

1. Release the city from and against any and all liability and responsibility in or arising out of the construction, operation or repair of the wireless communications facility.
2. Indemnify and hold harmless the city, its trustees, elected and appointed officers, agents, servants and employees, from and against any and all claims, demands, or causes of action of whatsoever kind or nature, and the resulting losses, costs, expenses, reasonable attorneys' fees, liabilities, damages, orders, judgments, or decrees, sustained by the city or any third party arising out of, or by reason of, or resulting from or of each wireless communications facility operator, or its agents, employees, or servants negligent acts, errors, or omissions.
3. Provide that the covenants and representations relating to the indemnification provision shall survive following the term of any agreement and continue in full force and effect for at least one (1) year following the termination of the party's agreement as to the party's responsibility to indemnify.
4. In no event shall the city indemnify a service provider and/or the owner or operator of a wireless communications facility.

B. *Insurance.* The city shall not grant or approve an application for the installation of a tower, antenna and/or wireless communications facility on city-owned property and shall not enter into any lease agreement for city-owned property until and unless the city obtains assurance that such applicant or lessee (and those acting on its behalf) has adequate insurance. The insurance requirements of this section may be satisfied by evidence of self-insurance acceptable to the city. At a minimum, the following requirements must be satisfied:

1. A wireless communications facility owner shall not commence construction or operation of the facility without obtaining all insurance required under this section and approval of such insurance by the city manager, nor shall a wireless communications facility operator allow any contractor or subcontractor to commence work on its contract or sub-contract until all similar such insurance required of the same has been obtained and approved. The required insurance must be obtained and maintained for the entire period the wireless communications facility is in existence. If the operator, its contractors or subcontractors do not have the required insurance, the city may order such entities to stop operations until the insurance is obtained and approved.
2. Certificates of insurance, reflecting evidence of the required insurance, shall be filed with the city. For entities that are entering the market, the certificates shall be filed prior to the commencement of construction and once a year thereafter, and as provided below in the event of a lapse in coverage.
3. These certificates shall contain a provision that coverage afforded under these policies will not be canceled until at least thirty (30) days' prior written notice has been given to the city. Policies shall be issued by companies authorized to do business under the laws of the state. The city may amend its requirements pertaining to insurance from time to time and may require additional provisions pertaining to such insurance in a lease.
4. In the event that the insurance certificate provided indicates that the insurance shall terminate or lapse during the period of the lease agreement with the city, then in that event, the wireless communications facility operator shall furnish, at least thirty (30) days prior to the expiration of the date of such insurance, a renewed certificate of insurance as proof that equal and like coverage for the balance of the period.

C. *Comprehensive general liability.* A wireless communications facility operator and its contractors or subcontractors engaged in work on the operator's behalf, shall maintain adequate insurance to cover liability, bodily injury and property damage in the minimum amount of one million dollars ($1,000,000.00) or in such greater amount as reasonably determined by the city at the time of application. Exposures to be covered include premises, operations, and those certain contracts relating to the construction, installation or maintenance of the wireless communications facility. Coverage shall be written on an occurrence basis. Certificates of insurance reflecting evidence of the required insurance shall be filed with the city.

D. *[Cash security fund or irrevocable letter of credit required.]* Prior to any construction on city-owned property, every service provider, shall establish a cash security fund, or provide the city with an irrevocable letter of credit subject to the city attorney's approval, in the amount specified in an agreement, permit, or other authorization as necessary to ensure the provider's faithful performance of construction and compliance with this division. The minimum amount of the security fund for each telecommunications tower shall be twenty-five thousand dollars ($25,000.00) and the minimum amount for each antenna shall be five thousand dollars ($5,000.00).

E. *[Bond in lieu of cash security fund or letter of credit.]* In the alternative, at the city's discretion, a service provider may, in lieu of a cash security fund or letter of credit, file and maintain with the city a bond in the same amounts as required in subsection (1). The provider and the surety shall be jointly and severally liable

under the terms of the bond. The bond shall be issued by a surety having a minimum rating of A-1 in Best's Key Rating Guide, Property/Casualty Edition; shall be subject to the approval of the city attorney; and shall provide that:

"This bond may not be canceled, or allowed to lapse, until 60 days after receipt by the city, by certified mail, return receipt requested, of a written notice from the issuer of the bond of intent to cancel or not to renew."

F. *Rights reserved by city.* The rights reserved by the city with respect to any security fund or bond established pursuant to this section are in addition to all other rights and remedies the city may have under this article, a lease, or at law or equity.

G. *Penalties.* Any person, firm or corporation who knowingly breaches any provision of this division [article] shall upon receipt of written notice from the city be given a time schedule to cure the violation. Failure to commence to cure the violation within thirty (30) days and to complete cure, to the city's satisfaction, within sixty (60) days, or such longer time as the city may specify, shall result in revocation of any permit or license and the city shall seek any remedy or damages to the full extent of the law. This shall not preclude other penalties allowed by law.

H. *Violations.*

1. In addition to revoking any permit for placement of a wireless communications facilities in the city for violation of this article and any other remedies available at law including, but not limited to, F.S. § 166.0415 and F.S. ch. 162, or at equity or as provided in this article, the city may apply any one (1) or combination of the following remedies in the event an applicant or service provider violates this article, or applicable local law or order related to placement of such facilities in the city:
    a. Failure to comply with the provisions of this article or other applicable law may result in imposition of penalties to be paid by the applicant or service provider to the city as provided in F.S. ch. 162, and the City Code, as they may be amended.
    b. In addition to or instead of any other remedy, the city may seek legal or equitable relief from any court of competent jurisdiction.
2. *No waiver.* Failure of the city to enforce any requirements of this article shall not constitute a waiver of the city's right to enforce that violation or subsequent violations of the same type or to seek appropriate enforcement remedies.

(Ord. No. 2015-09, § 2(Exh. A), 9-21-2015)