Chapter 23

ZONING DISTRICTS*

*Editor's note—Unified Land Development Regulations adopted via Ordinance 97-5-3, § 1, 5-27-97.

ARTICLE I. ZONING DISTRICTS AND MAP

Sec. 23-1. Districts established.

In order to regulate and limit the height and bulk of buildings hereafter erected or altered; to aid in implementing the

City land use plan; to regulate and limit the density of dwelling units and population; to regulate and determine the area of yards and other open spaces; to regulate and restrict the location of trades and industries; and the location of buildings erected and altered for specific uses in accordance with the City land use plan, the City is hereby divided into the following classifications or districts:

A-1, Agricultural district

E-3, Agricultural estate district

E-2, Rural estate district

E-1, Estate district

R-1-A, Single-family (12,500 s.f. lot) district

R-1-B, Single-Family (8,000 s.f. lot) district

R-1-C, Single-family (7,500 s.f. lot) district

R-1-D, Single-family (6,000 s.f. lot) district

TH-1, Townhouse district

R-2, Duplex district

R-3, Multi-family (low density) district

R-4, Multi-family (moderate density) district

OP, Office park district

B-1, Planned neighborhood business district

B-2, Planned community business center district

B-3, General business district

C-1, Service station district C-2, Vehicle service district

I-1, Light industry district

P-1, Park and recreational district M/I, Medical/Institutional district

X-1, Civic district

U-1, Public utilities district

PRD, Planned residential development district

PMUD, Planned mixed-use development district

PCD, Planned commercial development district

PID, Planned industrial development district

SRL, Special residential lifestyle overlay district

CS, Community Services district

Sec. 23-2. Conversion of existing districts.

Subdivision Name	*Current Zoning*	*Consistent Zoning District Based on Setbacks & Lot Size*
Cooper City Park	R-1-A	R-1-C
Cooper Colony Estates		
Section One	R-1-A	R-1-C
Section Two	R-1-A	R-1-C
Section Two A	R-1-A & R-1-B	R-1-C
Section Two B	R-1-A	R-1-C
Section Two C	R-1-A	R-1-C
Cooper Estates - Section		
One & Two	R-1-B & R-1-C	R-1-C
Country Address	R-1-B	R-1-C
Country, The	R-1-A	R-1-C
Sec. 1 & 2	R-1-A	R-1-C
Country, III	R-1-A	R-1-C
Flamingo Gardens	R-1-A	R-1-C
Black Olive, Jacaranda Live Oak, Poinciana Tamarind		
Flaming Gardens, Phase II	R-1-B	R-1-C
Gateland Estates	R-1-A	R-1-C
Guardian Estates	R-1-A	R-1-C
Pine Lake	R-1-A	R-1-C
Stirling Springs	R-1-A	R-1-C
Timberlake, 1st, 2nd, & 3rd additions	R-1-A	R-1-C

Sec. 23-3. Zoning map established.

(a) The districts aforesaid and the boundaries of such districts as shown on the zoning map, which is on file in the office of the city clerk and designated as the zoning map of the city, are hereby adopted and made a part of this chapter. The zoning map and all notations, references, and other information shown thereon shall be as much a part of this chapter as if such matters and information set forth on the map were all fully described and set out thereon.

(b) If, because of error or omission in the zoning map, any property in the city or that has been annexed into the city is not shown as being in a zoning district, the classification of such property shall be A-1, unless the A-1 district is not permitted according to the comprehensive plan, in which case compatible zoning will be enacted by amendment to this chapter.

Sec. 23-4. Interpretation of district boundaries.

Where uncertainty exists as to boundaries of any district shown on the official zoning map, the following rules shall apply:

(a) Where such district boundaries are indicated as approximately following street lines, alley lines, lot lines, or land use plan lines, such lines shall be construed to be boundaries.

(b) In unsubdivided property, or where a district boundary divides a lot, the location of such boundary, unless the same is indicated by dimensions, shall be determined by the use of the scale appearing on the map.

(c) Where any street or alley is hereafter officially vacated or abandoned, the regulations applicable to each parcel of abutting property shall apply to that portion of such street or alley added thereto by virtue of such vacation or abandonment.

(d) Where a district boundary line divides a lot in a single ownership on April 2, 1962, the city commission may, in its discretion, permit a use authorized in either portion of such lot to extend to the entire lot.

Sec. 23-5. Supplemental nature of district regulations.

The provisions of this chapter shall be supplemental and not in lieu of all existing ordinances and regulations existing in the city, as specifically, the provisions of the official charter of the city.

Sec. 23-6--23-7. Reserved.

Sec. 23-8. Applicability.

ARTICLE II. USE REGULATIONS

No building shall be erected, reconstructed, or structurally altered, nor shall any building or land be used for any purpose other than as permitted herein by the district in which such building or land use is located. If there is a conflict between the land uses designated by this chapter and the city comprehensive land use plan, the regulations included in the land use plan shall prevail.

Sec. 23-9. Use classification.

The use regulations of the zoning districts are based on the following use classification system.

(a) *Purpose and intent.* The purpose of these provisions is to classify uses of land into a number of specially defined land use categories on the basis of common functional characteristics and similar compatibility with other uses, thereby providing a basis for regulation of uses in accordance with criteria that are directly relevant to the public interest. These provisions shall apply throughout this chapter.

(b) *Classification of principal uses.* The use categories listed on the following use regulations schedule shall be considered to be principal uses. A single lot may contain more than one principal use, unless otherwise prohibited by the provisions of this chapter. All existing and proposed uses shall be classified into the use category that most closely portrays the overall nature of such activity, consistent with the definitions of the use categories in sec. 21-9, definitions. Any use that cannot be so classified shall not be permitted in any district.

Sec. 23-10. Schedule of use regulations.

The following use regulations schedule summarizes the use regulations of the districts. In the event of any conflict between the use regulations schedule and the text of the zoning district regulations or the supplementary regulations, the text shall control. Uses that were established prior to the adoption of this chapter or its predecessors, but that are now inconsistent with the requirements of this chapter, shall be permitted if such uses meet the requirements of sec. 23-156, Nonconforming provisions, for a valid nonconforming use.

(a) *Interpretation of use regulations schedule.* The use regulations schedule shall be interpreted as follows.

(1) *Permitted by right.* Principal uses identified in a particular district column with a “P” are “permitted by right” and shall be permitted in such district.

(2) *Conditional uses.* Principal uses identified in a particular district column with a “C” are “conditional uses” and shall be permitted in such district only upon approval by the city commission in accordance with the procedures and standards of sec. 23-152, conditional use.

(3) *Not permitted.* Principal uses not identified in a particular district column as permitted by right or as a conditional use, including but not limited to, the preparation, cultivation, storage, processing, manufacturing, delivering or dispensing of marijuana in any form, for any personal, business or occupational use whatsoever, are not allowed in such district unless otherwise expressly permitted in this chapter. Further, all uses, products, or acts prohibited under any state or federal law are prohibited throughout the City. (Ord. No. 14-10-4, §3, 10-28-14)

(b) *Use regulations schedule.*

USE REGULATIONS SCHEDULE

Zoning Districts																												
Use Type	*Residential*													*Non-residential*							*Special*				*Planned*			
	A1	*E3*	*E2*	*E1*	*R1A*	*R1B*	*R1C*	*R1D*	*R2*	*TH1*	*R3*	*R4*	*OP*	*B1*	*B2*	*B3*	*C1*	*C2*	*I1*	*P1*	*MI*	*X1*	*U1CS*	*PRD*	*PMUD*	*PCD*	*PID*
Residential Uses																												
Single-family detached dwelling	P	P	P	P	P	P	P	P														P	P					
Duplex dwelling									P	P												P	P					
Townhouse dwelling										P												P	P					
Multi-family dwelling											P	P	P									P	P					
Accessory apartment		P	P	P																								
Group residential																												
Special residential facility, type 1	P	P	P	P	P	P	P	P	P	P	P	P							P			P	P					
Special residential facility, type 2									P	P	P	P							P			P	P					
Special residential facility, type 3		C	C								P	P		P	P	P			P				P	P			
Public or Institutional Uses																												
Airport or airfield	C																											
Cemetery	C																											
Church or place of worship	P	P	P	P	P	P	P	P												C		P						
College or university												P								C								
Communication tower	C																P				C							

Community assembly		P	P	P	P	P	P	P					P							P				P	P		P
Cultural services	P	P	P	P	P	P	P	P							P	P						C					
Daycare center														P	P	P						C		P	P		
Golf course	P																			P				P	P	P	
Government services	P														P	P						C	P		P		
Hospital	C												P								P					P	
Institution or asylum	C																										
Military installation																P											
Nursing facility																					P						
Parks and recreation public	P	P	P	P	P	P	P	P			P				P	P				P		C		P	P	P	
School, elementary or secondary														P	P	P						C					
Sewage lift or pumping station		P	P	P	P	P	P	P						P	P	P			P				C				
Solid waste disposal facility	C																						C				
Transformer substation	P	P	P	P	P	P	P	P	P														C				
Utilities, major	C												P						P				C				
Waste or wastewater plant, local	P	P	P	P	P	P	P					P		P	P	P			P				CP				
Commercial Uses																											
Alcohol sales or service														P	P	P									P	P	
Amusement centers, primary															P	P										P	
Bank														P	P	P									P		
Building maintenance																P			P				P				
Building supplies																			P								
Commercial amusements																				P							
Contractor yard																P											
Funeral home																										P	
Hotel or motel															P	P									P	P	
Laundry															P	P									P	P	
Medical office or clinic													P	P	P	P					P				P	P	
Medical or dental lab													P						P		P					P	
Office, business or professional													P	P	P	P			P						P	P	
Parking, commercial																							P				P
Personal care services														P	P	P									P	P	
Personal improvement														P	P	P									P		
Pharmacy														P	P	P									P	P	

Plant nursery, retail															P											
Recreation, indoor														P										P	P	
Recreation, outdoor	C														P				P		C			P	P	
Repair, small appliance													P	P	P			P						P	P	
Restaurant, general													P	P	P									P	P	
Restaurant, fast food															P									P	P	
Public or Institutional Uses																										
Retail, neighborhood													P	P	P									P	P	
Retail, community														P	P									P	P	
Retail, general															P									P	P	
Retail, secondhand goods													P	P	P											
Self-service storage															C											
Service station																P										
Shooting range	C																									
Vehicle and equipment repair															P		P					P				P
Veterinary services	C													P	P									P	P	
Vocational school																									P	
Wholesale or warehousing																		P								P
Industrial Uses																										
Basic industry																										P
Light manufacturing																		P								P
Research and development												P			P			P								P
Agriculture and Extractive Uses																										
Crop agriculture	P	P	P	P								P														
Farm worker housing	P																									
Horse farm or stable	C	P	P	P																						
Livestock, general	C																									
Livestock, limited	P	P	P	P																						
Mining and quarrying																										P
Roadside produce stand	P	P	P	P																						

(Ord. No. 10-5-1, § 3, 5-25-10)

P = PERMITTED BY RIGHT

C = CONDITIONAL USE

Sec. 23-11 - 23-12. Reserved.

ARTICLE III. DIMENSIONALSTANDARDS

Sec. 23-13. Applicability.

(a) Every building hereafter erected shall be located on a lot as herein defined.

(b) No lot area shall be reduced or diminished so that the yards or other open spaces shall be smaller than prescribed by this chapter,

nor shall the density of dwelling units or population be increased in any manner except in conformity with the area regulations and land use plan designation established herein.

(c) No building shall be erected, reconstructed or structurally altered to exceed the height or bulk limit herein established for the district in which such building is located.

(d) No yard or other open space provided about any building for the purpose of complying with the provisions of this chapter, shall be considered as providing a yard or open space for any other building; providing further that no yard or open space on an adjoining property shall be considered as providing a yard or open space on a lot whereon a building is to be erected.

Sec. 23-14. Schedule of dimensional standards.

The following dimensional standards schedule summarizes the regulations of the zoning districts, with regard to minimum lot size, minimum yards, maximum density, minimum floor area per dwelling unit, maximum floor area ratio, maximum building coverage and maximum height. In the event of any conflict between the text of the zoning district regulations or supplementary regulations and the dimensional standards schedule, the text shall control.

Dimensional Standards Schedule

Zoning District	*Min. Lot Area (sq.ft.)*	*Min. Lot Width (feet)*	*Min . Lot Depth (feet)*	*Minimum Yards (feet)*				*Max. Density (UPA)*	*Min. Floor Area (sf/unit)*	*Max. FAR*	*Max. Bldg. Cover*	*Maximum Height*	
				Front	*Street Side*	*Interior Side*	*Rear*					*Feet*	*Stories*
A-1	35,000	125	-	25	25	10	25	-	1,000	-	25%	60	2
E-3	108,900	150	-	75	75	25	25	-	2,000	-	15%	35	2
E-2	43,560	125	-	50	50	25	25	1	1,500	-	10%	35	2
E-1	35,000	125	-	50	25	25	25	2	1,500	-	20%	30	2
R-1-A	12,500	100	125	25	15	15	30	-	1,800	-	33%	30	2
R-1-B	8,000	80	100	25	15	10	20	-	1,500	-	33%	30	2
R-1-C	7,500	75	100	25	15	10	15	-	1,200	-	33%	30	2
R-1-D	6,000	60	100	25	15	7.5	15	-	1,200	-	33%	30	2
R-2	7,700	-	-	25	25	7.5	15	10	1,200	-	33%	30	2
TH-1	3,600	-	-	35	35	20	20	8	900	0.25	-	25	-
R-3	-	-	-	25	15	10	15	-	450	-	-	30	2
R-4	-	-	-	25	10	10	15	-	1,200	0.50	-	30	2
OP	87,120	-	-	60	60	25	25	-	-	-	35%	45	3
B-1	217,800	300	-	75	75	60	60	-	-	-	-	15	-
B-2	435,600	-	-	75	75	60	60	-	-	-	-	45	-
B-3	-	-	-	-	-	-	-	-	-	-	-	100	-
C-1	40,000	150	-	75	75	40	40	-	-	-	-	20	-
C-2	32,000	-	300	60	60	30	40	-	-	-	-	24	-
1-1	43,560	-	-	25	25	25	25	-	-	-	-	25	-
P-1	10,000	100	-	25	25	25	25	-	-	-	-	25	-
M/1	-	-	-	25	25	25	25	-	-	-	-	100	8
X-1	-	-	-	-	-	-	-	-	-	-	-	-	-
U-1	-	-	-	-	-	-	-	-	-	-	-	-	-
PRD	-	-	-	25	25	-	-	-	450	0.40	-	50	4
PMUD	-	-	-	75	75	-	-	-	450	0.40	-	50	4
CS	-	-	-	-	-	-	-	-	-	-	-	-	-
PCD	-	-	-	75	75	75	75	-	-	0.40	-	60	5
PID	-	-	-	75	75	75	75	-	-	0.40	-	40	3

Sec. 23-15 - 23-19. Reserved.

ARTICLE IV. DISTRICT REGULATIONS

Sec. 23-20. A-1, Agricultural district.

(a) *Purpose and intent.* The A-1 Agricultural district is intended to apply to those areas of Cooper City, the present or prospective use of which is primarily rural, estate or agricultural. The regulations of this district are intended to protect, preserve and enhance the rural character and lifestyle of existing low density areas and agricultural uses and comply with the Estate, Rural Estate and Rural Ranches land use designations of the City's certified Future Land Use Element of the Cooper City Comprehensive Plan, with limited community facilities and utility facilities permitted to serve the neighborhood.

(b) *Permitted uses.* In the A-1 district, 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 or more of the following specified uses:

(1) Single-family detached dwellings;

(2) Crop raising and plant nurseries (commercial and noncommercial) with on-premises sales limited to crops or plants grown or cultivated on the plot where they are being sold, and related landscaping materials incidental to such sales;

(3) Places of worship and accessory schools and day care centers operated by the house of worship, subject to the provisions of Section 23-118 and 23-95(a) of this Code; (Ord. No. 08-7-1, §3, 7-15-08)

(4) Fish breeding (commercial and noncommercial);

(5) Veterinary clinics with no overnight boarding, except as necessary as ancillary to medical care, or exterior animal runs;

(6) Sewage lift or pumping station subject to Section23-107;

(7) Transformer substation subject to Section 23-112; and/or;

(8) Special residential facility, type 1, subject to Section23-109.

(9) Parks and recreation, public.

(c) *Accessory uses.* Any other use naturally and customarily associated with any single-family residential permitted use shall be considered accessory to the above-listed Permitted uses, provided the accessory use is clearly incidental to, subordinate to, and subservient to the permitted use it serves. Permitted accessory uses shall include, but not be limited to, the following:

(1) Farm worker housing, with a maximum capacity of one family or two (2) persons for each five (5) acres in the farm site, provided that the farm labor personnel are employed on the same farm site on which the housing is located and the structures are located at least three hundred (300) feet from any other property under separate and different ownership;

(2) Roadside produce stand;

(3) Detached guest house or servants' quarters, provided there is no kitchen facility within same;

(4) Home offices, or home-based businesses, provided any and all vehicles and/or equipment associated therewith are stored within an enclosed building or roofed structure, notwithstanding the home occupational use regulations contained within Chapter 9 of this Code. Such business shall be required to obtain a City occupational license pursuant to Chapter 9;

(5) Family day care homes;

(6) Horse boarding stable and/or commercial equestrian operations;

(7) Mechanical repairs to vehicles and boats owned by the resident shall be permitted inside a building or carport. Mechanical repairs to farm or agricultural equipment used on the plot to maintain a permissible agricultural use being conducted on the property, or equipment used to maintain the property, such as lawn tractors, shall be permitted inside or outside;

(8) *Storage:* The following may be stored in agricultural districts as accessory to a permitted principal use of the property:

a. Equipment and materials required for construction of a building or structure on the same site for which all required permits have been obtained and remain valid for the duration of the project.

b. Outside storage of household items or the resident designed and intended for outdoor use.

c. Operable vehicles and equipment necessary for the operation of a farm.

d. One non-agricultural commercial vehicle may be parked or stored on a plot inside a carport or other roofed structure, excluding vehicles equipped with a bucket lift, and excluding semi-trailers, truck-tractors, dump trucks, tow trucks and moving vans, any of which may only be parked or stored inside a completely enclosed building.

e. Outside storage of a maximum of two (2) boats and two (2) recreational vehicles, as an accessory use to a permanent dwelling on the premises. Recreational vehicles shall not be used for living purposes and may not maintain water or sewage connections.

(9) Breeding, raising or keeping of animals shall be permitted as follows:

a. Livestock, limited to four (4) animals for each net acre of plot area, two (2) animals for each half acre of plot acre and one (1) animal for each quarter acre of plot area on plots less than ten (10) acres. There shall be no limit on the number of animals on plots of ten (10) acres or greater in size. The number and types of animals shall not be restricted on farms in the A-1 district, except that it is presumed that the raising, breeding, or keeping of swine of any type, except for one (1) pot bellied Vietnamese pig, shall be presumed to be a nuisance and shall not be allowed.

b. Poultry.

c. In addition to the animals in paragraphs 1 and 2 above, the following may be kept on a plot containing a permanent dwelling:

1. Birds and fowl;

2. Dogs, cats and other household pets;

3. Wildlife pets as permitted and licensed by the State of Florida. d. Commercial breeding of animals, limited to farm products.

e. Offspring under the normal weaning age for the species shall not be included in calculating the number of animals.

f. On plots 3.5 acres or more in net area, the number of animals specified in paragraph a may be doubled, provided all animals are sheltered.

(d) *Conditional uses.* The following uses shall be permitted in the A-1 district, only upon issuance of a conditional use permit, in accordance with the provisions of Section 23-152 of this Code:

(1) Outdoor events;

(2) Recreation, outdoor;

(3) Shooting range;

(4) Veterinary services not in compliance with subsection (b) (5), above

(e) *Prohibited uses.* Any use not expressly authorized as a permitted, accessory, or conditional use is prohibited.

(f) *Minimum lot size.* No lot in the A-1 district shall be less than thirty-five thousand (35,000) square feet in area, with a minimum lot width of one hundred twenty-five (125) feet, except as hereinafter provided. A lot having a minimum area of ten thousand (10,000) square feet and minimum width of one hundred (100) feet, and platted as a single lot or acquired by the present owner prior to April 2, 1962, may be utilized for a single-family dwelling.

(g) *Maximum building coverage.* In the A-1 district, the combined area occupied by all principal and accessory buildings shall not exceed twenty (20) percent of the area of a lot one (1) acre or more in area, and shall not exceed twenty-five (25) percent of the area of a lot less than one (1) acre in size.

(h) *Minimum floor area.* In the A-1 district all single-family dwellings shall have a minimum floor area of fifteen hundred (1,500) square feet.

(i) *Maximum height.* No building or structure in the A-1 district shall be erected or altered to a height exceeding two (2) stories or thirty-five (35) feet, except that a greater height may be approved by the city commission after report and recommendation from the planning and zoning board if the city commission finds such greater height to be reasonably necessary for the appropriate utilization of the property involved and that adequate protection will be given to contiguous and nearby property.

(j) *Minimum yards.* The minimum required width or depth of yards in the A-1 district shall be as follows:

(1) *Residential and/or Agricultural uses.* On plots five (5) net acres or less in size, any farm building or structure on a portion of a plot occupied by a farm shall either be located not less than fifty (50) feet from any plot line or shall have a buffer consisting of an opaque fence or wall, hedge or berm to a minimum height of six (6) feet. There shall be no required setbacks for farm buildings and structures on plots more than five (5) acres in net area.

a. *Front yard:* A front yard of at least fifty (50) feet must be provided for all residential dwellings and accessory buildings. For the purpose of this section, the front yard shall be determined to be on the side of the plot which provides primary access by means of a public or private streets or recorded access easement. In the case of cul-de-sac plots, the front yard setback shall be measured parallel to the arc of the cul-de-sac.

b. *All Other Yards:* On all remaining sides of any residentially used plot, or portion thereof, there shall be a yard of at least twenty-five (25) feet between any plot line and any building or structure, including accessory uses, except permitted fences and signs.

c. There shall be no minimum separation between detached farm buildings or structures on a single plot, or portion thereof, occupied by a farm. The minimum separation for all dwellings and non-farm buildings and structures shall be ten (10) feet.

(2) On all nonresidential and nonagricultural plots there shall be a yard of at least fifty (50) feet between any plot line and any building or structure, except permitted fences and signs.

(k) *Miscellaneous.*

(1) *Overgrown groundcover.* Grass, weeks, and other low-growing plants, except native vegetation that, by the nature of their own horizontal growth habits, cover the ground and which are not regularly cared for and maintained and grow in an uncontrolled manner exceeding six (6) inches in height on developed, non-residential, non-agricultural properties, and exceeding eighteen (18) inches in height on developed residential/agricultural properties.

(2) Farm operations located on that portion of a plot or plots of land located in A-1 districts which have been classified as agricultural pursuant to Section 193.461, Florida Statutes, shall operate in conformance with Section 823.14, Florida Statutes, the "Florida Right to Farm Act." Provided, however, in the event a plot is not used for farm operations for a period of one (1) year, all buildings and structures shall meet all requirements of this article for residential or nonresidential and nonagricultural uses.

(3) Junk vehicles and vessels and junk items may be stored on residential property only within a completely enclosed building in a manner so that the junk is not visible from other public or private property and does not create a health hazard. Such storage shall only be permitted as an accessory use.

(4) *Fences, walls and hedges.* Fences, walls and hedges, not including entrance features and farm structures, shall be permitted to a maximum height of six (6) feet above the established grade along any street line, except that at the intersection of any two public or private streets, no fence, wall, or hedge shall be placed or maintained within twenty-five (25) feet of the intersection of the two public or private streets. Fences and walls, excluding farm structures, along any plot line not adjacent to a street or within any required yard shall be limited to a height of six (6) feet above the established grade; however, hedges and all natural vegetation shall not be subject to height limits. Decorative lighting mounted on posts as an integral part of any fence or wall shall not be counted in determining fence height. Any such lighting must be shaded, hooded or translucent fixtures.

(5) *Mobile homes and construction trailers.*

a. One mobile home may be placed on a plot in an agricultural district for a period of time not to exceed one year during active construction of a permanent dwelling. No mobile home shall be placed upon any such property until a development order for construction of the dwelling and a zoning permit have been issued. The zoning permit shall be posted in such a manner that it can be observed from the exterior of the mobile home. Actual construction of the dwelling must commence within four (4) months after issuance of the zoning permit and be actively carried forward. The mobile home must be removed from the property upon completion of the permanent dwelling or at the end of the one-year period, whichever occurs first. The Planning & Zoning Board may grant one extension of a maximum of twelve (12) months, upon petition from the property owner.

b. On plots ten (10) acres or more in net area, used solely for farm homesteads or livestock, one mobile home may be maintained for housing of the property owner or persons employed by the owner to care for crops or livestock on the property. Such mobile home must be constructed with wooden or masonite siding or residential lapped siding that is non-metallic in appearance and must be underskirted at the time of set-up. Roofs must be shingled with asphalt or fiberglass shingles.

(6) *Easements.* No permanent structure except a wood or chain link fence, or similar type of open fencing, shall encroach upon or into any easement of record. No structure or use of any type shall encroach upon or obstruct access through any easement specifically granted for ingress or egress purposes to adjacent properties without the written concurrence of all property owners whose access would be restricted by such encroachment or obstruction.

(7) Any and all non-residential, non-agricultural uses in an A-1 district, shall be developed in accordance with the provisions of Sec. 23-118 of this Code.

(Ord. 03-10-4, § 2, 9-30-03)

Sec. 23-21. Reserved.

Sec. 23-22. E-2, Rural estate district.

(a) *District purpose*. The E-2, rural estate district is intended to provide a rural residential environment that is conducive to the limited keeping of horses and livestock. The district is intended to apply to areas of the city to be used for single-family dwellings and limited agricultural activities, including the raising of animals on lots of at least 1.8 acres or more in size. The district's large minimum lot size requirement and property development regulations will serve to ensure land use compatibility with surrounding areas and preserve the character of low density residential/agricultural areas of the community. The E-2 district corresponds with the estate, E designation of the future land use element of the Comprehensive plan.

(b) *Permitted uses.* In the E-2 district, 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 or more of the following specified uses:

(1) Accessory apartment, subject to sec. 23-81;

(2) Church or place of worship, subject to sec. 23-93;

(3) Community assembly, subject to sec. 23-95;

(4) Crop agriculture;

(5) Cultural services;

(6) Dwelling, single-family;

(7) Horse farm or stable, subject to sec. 23-22(h);

(8) Livestock, limited, subject to sec. 23-22(h);

(9) Parks and recreation, public;

(10) Roadside produce stand;

(11) Sewage lift or pumping station, subject to sec. 23-107;

(12) Special residential facility, type 1, subject to sec. 23-109;

(13) Transformer substation, subject to sec. 23-112;

(14) Water or wastewater plant, local, subject to sec. 23-114.

(15) Special residential facility, type 3, subject to the requirements of sec. 23-109, and subject to the granting of a conditional use permit by the city commission in accordance with the provisions of sec. 23-152 of this code; provided, however, that such facilities shall be limited to not more than twelve (12) beds.

(c) *Minimum lot size.* No lot in the E-2 district shall be less than one hundred eight thousand nine hundred (108,900) square feet in area, with a minimum lot width of one hundred fifty (150) feet, provided that a lot having a minimum area of thirty-five thousand (35,000) square feet and a minimum width of one hundred twenty-five (125) feet, the size of which was established as a matter of record prior to November 18, 1977, may be utilized for a single-family dwelling.

(d) *Maximum building coverage.* In the E-2 district, the combined area occupied by all principal and accessory buildings shall not exceed fifteen (15) percent of the lot area.

(e) *Maximum height.* No building or structure in the E-2 district shall be erected or altered to a height exceeding two (2) stories or thirty-five (35) feet.

(f) *Minimum yards.* The minimum required width or depth of required yards in the E-3 district shall be as follows:

(1) *Front yard:* Seventy-five (75) feet.

(2) *Street side yard:* Seventy-five (75) feet.

(3) *Interior side yard:* Twenty-five (25) feet, provided that this minimum setback distance shall be increased by one (1) foot for each one (1) foot of building height over twenty-four (24) feet.

(4) *Rear yard:* Twenty-five (25) feet, provided that this minimum setback distance shall be increased by one (1) foot for each one (1) foot of building height over twenty-four (24) feet.

(g) *Minimum floor area per unit.* A single-family dwelling as a principal structure in the E-2 district shall have a minimum gross floor area of two thousand (2,000) square feet.

(h) *Special conditions for livestock.* In the E-2 district, the raising of animals shall be subject to the following conditions.

(1) The keeping of livestock or other farm animals shall be limited to horses, cattle, sheep and llamas, not exceeding one (1) animal per ten thousand (10,000) square feet of lot area, plus one (1) additional animal per ten thousand (10,000) square feet of lot area for lots exceeding four and one-half (4.5) acres in size.

(2) Private kennels shall be permitted, provided that animals are not kept for sale or resale, nor for commercial breeding, boarding or veterinary care.

(3) No feed lots shall be permitted.

(4) All animal shelters shall be located at least fifty (50) feet from any lot line.

Sec. 23-23. Reserved.

Sec. 23-24. E-3, Agricultural estate district.

(a) *District purpose.* The E-3, agricultural estate district is intended to apply to areas of the city to be used for single-family dwellings on lots of one (1) acre or more in size, with vocational agricultural use of the land permitted. The E-2 district corresponds with the estate, E designation of the future land use element of the comprehensive plan.

(b) *Permitted uses.* In the E-3 district, no building or structure or part thereof, shall be erected, altered or used, or land or water used in whole or part for other than one of the following uses:

(1) Accessory apartment, subject to sec. 23-81;

(2) Church or place of worship, subject to sec. 23-93;

(3) Community assembly, subject to sec. 23-95;

(4) Crop agriculture;

(5) Cultural services;

(6) Dwelling, single-family;

(7) Horse farm or stable, subject to sec. 23-24(i);

(8) Livestock, limited, subject to sec. 23-24(i);

(9) Parks and recreation, public;

(10) Roadside produce stand;

(11) Sewage lift or pumping station, subject to sec. 23-107;

(12) Special residential facility, type 1, subject to sec. 23-109;

(13) Special residential facility, type 3, subject to the granting of a special exception by the commission in accordance with the provisions of this code provided, however, that such facilities shall be limited to not more than twelve (12) beds;.

(Ord. 95-2-1, § 1, 2-14-95)

(14) Transformer substation, subject to sec. 23-112;

(15) Water or wastewater plant, local, subject to sec. 23-114.

(c) *Minimum lot size.* No lot in the E-3 district shall be less than forty-three thousand five hundred sixty (43,560) square feet in area, with a minimum lot width of one hundred twenty-five (125) feet.

(d) *Maximum building coverage.* In the E-3 district, the combined area occupied by all principal and accessory buildings shall not exceed ten (10) percent of the area of the lot.

(e) *Maximum height.* No building or structure in the E-2 district shall be erected or altered to a height exceeding two (2) stories or thirty-five (35) feet.

(f) *Minimum yards.* The minimum required width and depth of yards in the E-3 district shall be as follows:

(1) *Front yard:* Fifty (50) feet.

(2) *Street side yard:* Fifty (50) feet.

(3) *Interior side yard:* Twenty-five (25) feet, provided that the required side yard shall be increased by one (1) foot for each one foot in height of the structure exceeding twenty-four (24) feet.

(4) *Rear yard:* Twenty-five (25) feet.

(g) *Minimum floor area per unit.* A single-family dwelling as a principal use in the E-3 district shall have a minimum gross floor area of one thousand five hundred (1,500) square feet.

(h) *Maximum density.* Dwelling units within the E-3 district shall not exceed a gross density of one (1) dwelling unit per gross acre.

(i) *Special conditions for livestock.* In the E-3 district, the keeping of livestock or other farm animals shall be subject to the following provisions.

(1) All structures for the housing of animals shall be at least fifty (50) feet from any property line.

(2) Cattle or stock grazing, private riding instructions, training or breeding horses, or boarding stable shall be permitted only on a lot exceeding four and one-half (4½) acres, subject to a maximum of one animal per ten thousand (10,000) square feet of lot area, plus one additional animal per ten thousand (10,000) square feet of lot area, if sheltered.

(3) Keeping of horses, cows and llamas not exceeding one animal for each ten thousand (10,000) square feet of lot area shall be permitted, provided no feed lot or storage of animals shall be permitted.

(4) Keeping of fowl not exceeding twenty-five (25) in total number shall be permitted, provided such poultry or fowl are kept in an enclosure.

Sec. 23-25. Reserved.

Sec. 23-26. E-1, Estate district.

(a) *District purpose.* The E-1, Estate district, is intended to apply to areas of the city to be used for single-family dwellings on lots with a minimum lot size of thirty-five thousand (35,000) square feet, with incidental keeping of some domestic animals for use by the occupants of the dwelling permitted. The E-1 district corresponds with the Residential, L(2) designation of the future land use element of the comprehensive plan.

(b) *Permitted uses.* In the E-1 district, 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 of the following uses:

(1) Accessory apartment, subject to sec. 23-81;

(2) Church or place of worship, subject to sec. 23-93;

(3) Community assembly, subject to sec. 23-95;

(4) Crop agriculture, subject to a minimum lot size of two and three-tenths (2.3) acres;

(5) Cultural services;

(6) Dwelling, single-family;

(7) Horse farm or stable, subject to sec. 23-26(l);

(8) Livestock, limited, subject to sec. 23-26(l);

(9) Parks and recreation, public;

(10) Roadside produce stand;

(11) Sewage lift or pumping station, subject to sec. 23-107;

(12) Special residential facility, type 1, subject to sec. 23-109;

(13) Transformer substation, subject to sec. 23-112;

(14) Water or wastewater plant, local, subject to sec. 23-114.

(c) *Minimum lot size.* No lot in the E-1 district shall be less than thirty-five thousand (35,000) square feet in area, with a minimum lot width of one hundred twenty-five (125) feet, except:

(d) *Maximum building coverage.* In the E-1 district, the combined area occupied by all principal and accessory buildings shall not exceed twenty (20) percent of the area of the lot.

(e) *Maximum height.* No building or structure in the E-1 district shall be erected or altered to a height exceeding thirty (30) feet, or two (2) floors, except that a permitted nonresidential building or structure may extend to a height of sixty (60) feet.

(f) Minimum yards. The minimum required width and depth of yards in the E-1 district shall be as follows:

(1) *Front yard:* Fifty (50) feet.

(2) *Street side yard:* Twenty-five (25) feet.

(3) *Interior side yard:* Twenty-five (25) feet provided that the required side yard shall be increased by one (1) foot for each foot in height of structure exceeding forty (40) feet.

(4) *Rear yard:* Twenty-five (25) feet.

(g) *Minimum floor area per unit.* A single-family dwelling as a principal use in the E-1 district shall have a minimum gross floor area of one thousand five hundred (1,500) square feet.

(h) *Maximum density.* Dwelling units within the E-1 zoning district shall not exceed a gross density of two (2) dwelling units per gross acre.

(i) *Special conditions for livestock.* In the E-1 district, the keeping of livestock or other farm animals shall be subject to the following provisions.

(1) All structures for the housing of animals shall be at least fifty (50) feet from any property line.

(2) Cattle or stock grazing, dude ranch, riding stable, livery stable, or boarding stable shall be permitted only on a lot exceeding two and three-tenths (2.3) acres.

(3) Keeping of horses, cows and llamas not exceeding four (4) in total number for a lot of minimum permitted size shall be permitted. Where the lot exceeds thirty-five thousand (35,000) square feet in area, one additional horse may be kept for each acre of lot area in excess of thirty-five thousand (35,000) square feet.

(4) Keeping of poultry or fowl not exceeding twenty-five (25) in total number shall be permitted, provided such poultry or fowl are kept in an enclosure.

Sec. 23-27. Reserved.

Sec. 23-28. R-1-A, Single-family (12,500 s.f. lot) districts.

(a) *District purpose.* The R-1-A, Single-family (12,500 s.f. lot) district is intended to apply to those areas of the city to be used for single-family dwellings with a minimum lot size of 12,500 square feet. The purpose of the district is to encourage moderate density single-family development which exhibits a variety of architectural styles and site plan de-signs. Regulations applicable to the districts are also intended to encourage generous landscaping, with tree lined streets. The R-1-A district corresponds with the residential, L(2), L(3) and R(5) designations of the future land use element of the comprehensive plan.

(b) *Permitted uses.* In the R-1-A district, 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 of the following uses:

(1) Church or place of worship, subject to sec.23-93;

(2) Community assembly, subject to sec. 23-95;

(3) Cultural services;

(4) Dwelling, single-family;

(5) Parks and recreation, public;

(6) Sewage lift or pumping station, subject to sec.23-107;

(7) Special residential facility, type 1, subject to sec.23-109;

(8) Transformer substation, subject to sec. 23-112;

(9) Water or wastewater plant, local, subject to sec.23-114.

(c) *Minimum lot size.* No lot in the R-1-A district shall be less than twelve thousand five hundred (12,500) square feet in area, with a minimum lot width of one hundred (100) feet and a minimum lot depth of one hundred twenty-five (125) feet.

(d) *Maximum building coverage.* In the R-1-A district, the combined area occupied by all principal and accessory buildings shall not exceed thirty-three (33) percent of the lot area.

(e) *Maximum height.* No building or structure in the R-1-A district shall be erected or altered to a height exceeding two (2) stories or thirty (30) feet.

(f) *Minimum yards for single-family dwellings.* The minimum required width or depth of yards on all lots utilized for a single-family dwelling in the R-1-A district shall be as follows:

(1) *Front yard:* Twenty-five (25) feet.

(2) *Street side yard:* Fifteen (15) feet.

(3) *Interior side yard:* Fifteen (15) feet, provided that lots used for two-story buildings shall provide interior side yards not less than twenty-five (25) feet in width.

(4) *Rear yard:* Thirty (30) feet, exclusive of drainage easements.

(g) *Minimum yards for other uses.* The minimum required width or depth of yards on all lots utilized for purposes other than a single-family dwelling in the R-1-A district shall be as follows:

(1) *Front yard:* Seventy-five (75) feet.

(2) *Street side yard:* Seventy-five (75) feet.

(3) *Interior side yard:* Fifty (50) feet, with an increase of one foot in width of each interior side yard for every two (2) feet in height of the structure in excess of fifty (50) feet.

(4) *Rear yard:* Fifty (50) feet.

(h) *Exceptions to yard requirements.* Notwithstanding anything to the contrary herein, the planning and zoning board shall have the right to permit reasonable modifications of the yard and setback requirements of the R-1-A district where, in the discretion of the board, strict enforcement of the aforesaid requirements would be a hardship.

(i) *Minimum floor area per dwelling unit.* A single-family dwelling in the R-1-A district shall have a minimum gross floor area of eighteen hundred (1,800) square feet.

(j) *Maximum density.* Dwelling units in the R-1-A district shall not exceed the gross densities within the city's adopted land use designation for each parcel.

Sec. 23-29. Reserved.

Sec. 23-30. R-1-B, Single-family (8,000 s.f. lot) district.

(a) *District purpose.* The R-1-B, Single-family (8,000 s.f. lot) district is intended to apply to those areas of the city to be used for single-family dwellings with a minimum lot size of 8,000 square feet. The purpose of the district is to encourage moderate density single-family development which exhibits a variety of architectural styles and site plan designs. Regulations applicable to the districts are also intended to encourage generous landscaping, with tree lined streets. The R-1-B district corresponds with the residential, L(2), L(3) and R(5) designations of the future land use element of the Comprehensive Plan.

(b) Permitted uses. In the R-1-B district, 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 of the following uses:

(1) Church or place of worship, subject to sec.23-93;

(2) Community assembly, subject to sec. 23-95;

(3) Cultural services;

(4) Dwelling, single-family;

(5) Parks and recreation, public;

(6) Sewage lift or pumping station, subject to sec.23-107;

(7) Special residential facility, type 1, subject to sec.23-109;

(8) Transformer substation, subject to sec. 23-112;

(9) Water or wastewater plant, local, subject to sec.23-114.

(c) *Minimum lot size.* No lot in the R-1-B district shall be less than eight thousand (8,000) square feet in area, with a minimum lot width of eighty (80) feet, and a minimum lot depth of one hundred (100) feet, provided that where a lot borders or abuts on water (i e., canal, waterway, lake), such lot shall be subject to the following standards:

(1) Where a lot borders or abuts on water along the rear lot line, no such lot shall be less than seventy-five (75) feet in width and one hundred twenty (120) feet in depth, inclusive of any waterway easement for maintenance purposes.

(2) Where a lot borders or abuts on water on one side is well as the rear lot line, no such lot shall be less than ninety (90) feet in width and one hundred twenty (120) feet in depth.

(d) *Maximum building coverage.* In the R-1-B district, the combined area occupied by all principal and accessory buildings shall not exceed thirty-three (33) percent of the lot area.

(e) *Maximum height.* No building or structure in the R-1-B district shall be erected or altered to a height exceeding two (2) stories or thirty (30) feet.

(f) *Minimum yards for single-family dwellings.* The minimum required width or depth of yards on all lots utilized for a single-family dwelling in the R-1-A district shall be as follows:

(1) *Front yard:* Twenty-five (25) feet.

(2) *Street side yard:* Fifteen (15) feet.

(3) *Interior side yard:* Ten (10) feet.

(4) *Rear yard:* Twenty (20) feet, exclusive of drainage easements.

(g) *Minimum yards for other uses.* The minimum required width or depth of yards on all lots utilized for purposes other than a single-family dwelling in the R-1-A district shall be as follows:

(1) *Front yard:* Seventy-five (75) feet.

(2) *Street side yard:* Seventy-five (75) feet.

(3) *Interior side yard:* Fifty (50) feet, with an increase of one foot in width of each interior side yard for every two (2) feet in height of the structure in excess of fifty (50) feet.

(4) *Rear yard:* Fifty (50) feet.

(h) *Special setbacks for waterfront lots.* Where a lot in the R-1-B district borders or abuts on water (i e., canal, waterway, lake), no aboveground structures other than fences and docks shall be permitted to be erected within twenty (20) feet of the waterline of any such lot.

(i) *Exceptions to yard requirements.* Notwithstanding anything to the contrary herein, the planning and zoning board shall have the right to permit reasonable modifications of the yard and setback requirements of the R-1-B district where, in the discretion of the board, strict enforcement of the aforesaid requirements would be a hardship.

(j) *Minimum floor area per dwelling unit.* A single-family dwelling in the R-1-B district shall have a minimum gross floor area of fifteen hundred (1,500) square feet.

(k) *Maximum density.* Dwelling units in the R-1-B district shall not exceed the gross densities within the city's adopted land use designation for each parcel.

Sec. 23-31. Reserved.

Sec. 23-32. R-1-C, Single-family (7,500 s.f. lot) district.

(a) *District purpose.* The R-1-C, Single-family (7,500 s.f. lot) district is intended to apply to those areas of the city platted prior to

September 1, 1982 for single-family dwellings. The purpose of the districts is to provide greater consistency between the regulations (particularly yard requirements) under which these areas were developed and current regulations. The R-1-C district corresponds with the residential, L(2), L(3) and R(5) designations of the future land use element of the comprehensive plan.

(b) *Permitted uses.* In the R-1-C district, 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 of the following uses:

(1) Church or place of worship, subject to sec.23-93;

(2) Community assembly, subject to sec. 23-95;

(3) Cultural services;

(4) Dwelling, single-family;

(5) Parks and recreation, public;

(6) Sewage lift or pumping station, subject to sec.23-107;

(7) Special residential facility, type 1, subject to sec.23-109;

(8) Transformer substation, subject to sec. 23-112;

(9) Water or wastewater plant, local, subject to sec.23-114.

(c) *Minimum lot size.* No lot in the R-1-C district shall be less than seven thousand five hundred (7,500) square feet in area, with a minimum lot width of seventy-five (75) feet and a minimum lot depth of one hundred (100) feet.

(d) *Minimum building coverage.* In the R-1-C district, the combined area occupied by all principal and accessory buildings shall not exceed thirty-three (33) percent of the lot area.

(e) *Maximum height.* No building or structure in the R-1-C district shall be erected or altered to a height exceeding two (2) stories or thirty (30) feet.

(f) *Minimum yards for single-family dwellings.* The minimum required width or depth of yards on all lots utilized for a single-family dwelling in the R-1-C district shall be as follows:

(1) *Front yard:* Twenty-five (25) feet.

(2) *Street side yard:* Fifteen (15) feet.

(3) *Interior side yard:*

a. If the lot width measured at the front yard setback line is eighty (80) feet or greater, ten (10) feet;

b. If the lot width measured at the front yard setback line is less than eighty (80) feet, seven and one-half (7½) feet.

(4) *Rear yard:* Fifteen (15) feet, exclusive of drainage easements.

(g) *Minimum yards for other uses.* The minimum required width or depth of yards on all lots utilized for purposes other than a single-family dwelling in the R-1-C district shall be as follows:

(1) *Front yard:* Seventy-five (75) feet.

(2) *Street side yard:* Seventy-five (75) feet.

(3) *Interior side yard:* Fifty (50) feet, with an increase of one foot in width of each interior side yard for every two (2) feet in height of the structure in excess of fifty (50) feet.

(4) *Rear yard:* Fifty (50) feet.

(h) *Special setbacks for waterfront lots.* On any lot in the R-1-C district that borders or abuts on water (i e., canal, waterway, lake), no aboveground structures other than fences and docks shall be permitted to be erected within twenty (20) feet of the waterline of such lot.

(i) *Exceptions to setback requirements.* Notwithstanding anything to the contrary herein, the planning and zoning board shall have the right to permit reasonable modifications of the yard and setback requirements of the R-1-C district where, in the discretion of the board, strict enforcement of the aforesaid requirements would be a hardship.

(j) *Minimum floor area.* A single-family dwelling in the R-1-C district shall have a minimum gross floor area of twelve hundred (1,200) square feet.

(k) *Density.* Dwelling units in the R-1-C district shall not exceed the gross densities within the city's adopted land use designation for each parcel.

Sec. 23-33. Reserved.

Sec. 23-34. R-1-D, Single-family (6,000 s.f. lot) district.

(a) *District purpose.* The R-1-D, single-family (6,000 s.f. lot) district is intended to apply to those areas of the city to be used for single-family dwellings with a minimum lot size of 6,000 square feet. The purpose of the district is to encourage moderate density single-family development which exhibits a variety of architectural styles and site plan designs. Regulations applicable to the districts are also intended to encourage generous landscaping, with tree lined streets. The R-1-D district corresponds with the residential, L(2), L(3) and R(5) designations of the future land use element of the comprehensive plan.

(b) *Permitted uses.* In the R-1-D district, 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 of the following uses:

(1) Church or place of worship, subject to sec.23-93;

(2) Community assembly, subject to sec. 23-95;

(3) Cultural services;

(4) Dwelling, single-family;

(5) Parks and recreation, public;

(6) Sewage lift or pumping station, subject to sec.23-107;

(7) Special residential facility, type 1, subject to sec.23-109;

(8) Transformer substation, subject to sec. 23-112;

(9) Water or wastewater plant, local, subject to sec.23-114.

(c) *Minimum lot size.* No lot in the R-1-D district shall be less than six thousand (6,000) square feet in area, with a minimum lot width of sixty (60) feet, and a minimum lot depth of one hundred (100) feet, provided that where a lot borders or abuts on water (i e., canal, waterway, lake), such lot shall be subject to the following standards:

(1) Where a lot borders or abuts on water along the rear lot line, no such lot shall be less than seventy-five (75) feet in width and one hundred twenty (120) feet in depth, inclusive of any waterway easement for maintenance purposes.

(2) Where a lot borders or abuts on water on one side as well as the rear lot line, no such lot shall be less than ninety (90) feet in width and one hundred twenty (120) feet in depth.

(d) *Maximum building coverage.* In the R-1-D district, the combined area occupied by all principal and accessory buildings shall not exceed thirty-three (33) percent of the lot area.

(e) *Maximum height.* No building or structure in the R-1-D district shall be erected or altered to a height exceeding two (2) stories or thirty (30) feet.

(f) *Minimum yards for single-family dwellings.* The minimum required width or depth of yards on all lots utilized for a single-family dwelling in the R-1-D district shall be as follows:

(1) *Front yard:* Twenty-five (25) feet.

(2) *Street side yard:* Fifteen (15) feet.

(3) *Interior side yard:* Seven and one-half (7½) feet.

(4) *Rear yard:* Fifteen (15) feet, exclusive of drainage easements.

(g) *Minimum yards for other uses.* The minimum required width or depth of yards on all lots utilized for purposes other than a single-family dwelling in the R-1-D district shall be as follows:

(1) *Front yard:* Seventy-five (75) feet.

(2) *Street side yard:* Seventy-five (75) feet.

(3) *Interior side yard:* Fifty (50) feet, with an increase of one foot in width of each interior side yard for every two (2) feet in height of the structure in excess of fifty (50) feet.

(4) *Rear yard:* Fifty (50) feet.

(h) *Special setbacks for waterfront lots.* Where a lot in the R-1-D district borders or abuts on water (i e., canal, waterway, lake), no aboveground structures other than fences and docks shall be permitted to be erected within twenty (20) feet of the waterline of any such lot.

(i) *Exceptions to yard requirements.* Notwithstanding anything to the contrary herein, the planning and zoning board shall have the right to permit reasonable modifications of the yard and setback requirements of the R-1-D district where, in the discretion of the board, strict enforcement of the aforesaid requirements would be a hardship.

(j) *Minimum floor area per unit.* A single-family dwelling in the R-1-D district shall have a minimum gross floor area of twelve hundred (1,200) square feet.

(k) *Maximum density.* Dwelling units in the R-1-D district shall not exceed the gross densities within the city's adopted land use designation for each parcel.

Sec. 23-35. Reserved.

Sec. 23-36. R-2, Duplex district.

(a) *District purpose.* The R-2, duplex district is intended to apply to those areas of the city to be used for duplex residential development. The purpose of the district is to encourage moderate density duplex development that is compatible with existing surroundings and land uses and that exhibits a variety of architectural styles and site plan designs. Regulations applicable to the district are also intended to require generous landscaping of duplex lots and tree-lined streets. The R-2 district corresponds to the residential, LM designation of the future land use element of the comprehensive plan.

(b) *Review and approval.* The review and approval of development in the R-2 district shall be subject to the following provisions.

(1) The planning and zoning board shall review preliminary and final plats for pertinent recommendations to the city commission.

(2) The community appearance board shall review site development plans as to acceptable design of landscaping and character of buildings.

(3) Approval of preliminary and final plats shall be dependent upon review and approval by the city commission based on recommendations from the planning and zoning board, community appearance board and recreation committee.

(4) No building permit shall be issued unless and until the approval of the final plat by the city commission and recordation by the county.

(c) *Permitted uses.* In the R-2 district, no building or structure, or part thereof, shall be erected, altered or used, or land and water used, in whole or in part, for other than one or more of the following uses:

(1) Dwelling, duplex;

(2) Special residential facility, type 1, subject to sec.23-109;

(3) Special residential facility, type 2, subject to sec.23-109.

(d) *Minimum lot size.*

(1) No lot in the R-2 district shall be less than seven thousand seven hundred (7,700) square feet in area.

(2) Where a lot in the R-2 district borders or abuts on water (i.e., canal, waterway, lake) on the rear lot line, such lot shall not be less than nine thousand (9,000) square feet.

(3) Where a lot in the R-2 district borders or abuts on water on one side as well as the rear lot line, then such lot shall be no less than ten thousand eight hundred (10,800) square feet in area.

(4) Provided, however, that in R-2 areas subdivided prior to December 7, 1964 a lot consisting of a lot of record may be utilized for a duplex dwelling.

(e) *Maximum building coverage.* In the R-2 district, the combined area occupied by all principal and accessory buildings shall not exceed thirty-three (33) percent of the lot area.

(f) *Maximum height.* No building or structure in the R-2 district shall be erected or altered to a height exceeding two (2) stories or thirty (30) feet.

(g) *Minimum yards.* The minimum required width or depth of yards in the R-2 district shall be as follows or as required by the canal maintenance easement, whichever is greater:

(1) *Front yard:* Twenty-five (25) feet.

(2) *Street side yard:* Twenty-five (25) feet.

(3) *Interior side yard:* Ten (10) feet, provided that when two (2) or more lots are acquired as a single dwelling site, the interior side yard setback shall only to the lot lines bordering the adjoining property.

(4) *Rear yard:* Thirty (30) feet.

(h) *Minimum floor area per unit.* Each dwelling unit in the R-2 district shall have a minimum gross floor area of twelve hundred (1,200) square feet

(i) *Maximum density.* Dwelling units within the R-2 district shall not exceed a gross density of ten (10) dwelling units per gross acre.

Sec. 23-37. Reserved.

Sec. 23-38. TH-1, Townhouse district.

(a) *District purpose.* The TH-1, townhouse district is intended to apply to those areas of the city to be used for moderate density townhouse development. The TH-1 district corresponds to the residential, LM designation of the future land use element of the comprehensive plan.

(b) *Review and approval.* The review and approval of development in the TH-1 district shall be subject to the following provisions.

(1) *Duplex development:* The following provisions shall apply to applications for TH-1 zoning intended for duplex development.

a. The planning and zoning board shall review preliminary and final plats for pertinent recommendations to the city commission.

b. The community appearance board shall review site development plans as to acceptable design of landscaping and character of buildings.

c. Approval of preliminary and final plats shall be dependent upon review and approval by the city commission based on recommendations from the planning and zoning board, community appearance board and recreation committee.

d. No building permit shall be issued unless and until the approval of the final plat by the city commission and recordation by the county.

(2) *Townhouse development:* The following provisions shall apply to applications for TH-1 zoning intended for townhouse development.

a. Before property is zoned in a TH-1 district, a legal description of the property, a certificate of ownership, and a tentative site plan shall be submitted to and reviewed by the planning and zoning board. Such site plan shall indicate all proposed structures, areas subject to tenancy in common and recreation areas, if applicable. Private streets serving two (2) or more sites shall be shown on such site plan, if applicable.

b. Before any building permit is issued for any use in a TH-1 district, a site development plan shall be submitted to the city in accordance with chapter 24, subdivision and site plan review.

c. For the purposes of this subsection, all land occupied by a TH-1 project shall be held in common by the site owners except the specific and limited areas that are subject to individual ownership. This means that private streets, common open space and recreational

areas are common property.

d. No building permit shall be issued for the construction of any part of a project in a TH-1 district unless and until instruments have been placed upon the public records of the city, providing that all areas subject to common ownership and the exterior portions of all structures constructed on sites subject to private individual ownership and all recreation areas shall be maintained by a membership corporation organized for such purposes in which site owners shall be members. A certified copy of such instrument shall be attached to the first application for a building permit in a project in a TH-1 district, and thereafter reference to the official records book and pages where such documents are recorded shall be affixed to each application for a building permit in the same project.

e. TH-1 townhouse district zoning shall be in effect for at least a one-year period; however, if no construction has begun, or if the applicant fails to maintain reasonable progress, within one (1) year after the granting of the TH-1 district, the site plan shall expire and the city commission may rezone the property to the previous zoning.

(c) *Permitted uses.* In the TH-1 district, 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 or more of the following specified uses:

(1) Dwelling, duplex;

(2) Dwelling, townhouse, subject to sec. 23-38(g)(1);

(3) Special residential facility, type 1, subject to of sec.23-109;

(4) Special residential facility, type 2, subject to sec.23-109.

(d) *Minimum lot size.* No lot in the TH-1 district used for individual dwelling purposes shall have less than three thousand six hundred (3,600) square feet of area per dwelling unit.

(e) *Building coverage and open space.*

(1) *Townhouse development open space area.* Townhouse developments in the TH-1 district shall comply with the following open space requirements:

a. A minimum open area for landscaping shall be provided to the rear of the building and in addition to any street setback yard area or areas, and such open areas shall be free from driveways and parking.

b. The open area shall have a minimum dimension of not less than forty (40) feet. In row housing, each building shall have such an open area contiguous to its entire length.

c. The amount of open area provided shall not be less than three (3) square feet for every square foot of gross floor area.

(2) *Other development.* On every lot in the TH-1 district used for a development other than townhouses, the combined area occupied by all principal and accessory buildings shall not exceed thirty-three (33) percent of the lot area.

(f) *Maximum height.* No building or structure in the TH-1 district shall be erected or altered to a height exceeding twenty-five (25) feet.

(g) *Building dimensions.* Townhouse development in the TH-1 district shall be subject to the following requirements.

(1) One-story buildings shall contain no more than four (4) dwellings and shall not exceed one hundred twenty-five (125) feet in length.

(2) Two-story buildings shall contain no more than four (4) dwellings except by approval of the city commission, but in no case shall exceed three hundred (300) feet in length.

(h) *Minimum yards.* The minimum required width or depth of yards in the TH-1 district shall be as follows:

(1) *Front yard:* Thirty-five (35) feet.

(2) *Street side yard:* Thirty-five (35) feet.

(3) *Interior side yard:* Twenty (20) feet; provided that where an attached dwelling is erected utilizing a common lot line, a side yard shall not be required adjacent to and on either side of the common lot line.

(4) *Rear yard:* Twenty (20) feet.

(i) *Minimum floor area per unit.* No dwelling unit shall be constructed or occupied on any lot within the TH-1 district with a gross floor area of less than the following:

(1) *Duplex:* Twelve hundred (1,200) square feet per dwelling unit;

(2) *Townhouse:* Nine hundred (900) square feet per dwelling unit.

(j) *Maximum floor area ratio (FAR).* For every development site in the TH-1 district, the floor area ratio shall not exceed 0.25 FAR.

(k) *Maximum density.* In no instance shall the gross density in the TH-1 district exceed eight (8) dwelling units per gross acre.

(l) *Private streets.* Townhouse developments in the TH-1 district proposing private streets shall comply with the following standards, in addition to sec. 25-87, private streets.

(1) All streets serving two (2) or more sites shall be not less than fifty (50) feet in width and shall be twenty-four (24) feet in pavement width.

(2) No private street or drive shall exceed nine hundred (900) feet between points of intersection with a public street; providing that a private street or drive terminating in a paved turnabout not less than eighty (80) feet in diameter and not over four hundred (400) feet in overall length may be utilized to serve sites.

Sec. 23-39. Reserved.

Sec. 23-40. R-3, Multi-family (low density) district.

(a) *District purpose.* The R-3, multi-family (low density) district is intended to apply to those areas of the city to be used for low to moderate density multi-family, apartment and condominium type development. The purpose of the district is to accommodate a variety of living styles and to provide areas suitable for higher density affordable housing types. The R-3 district corresponds to the residential, M designation of the future land use element of the comprehensive plan.

(b) *Review and approval.* The plot plan and construction plans for any building designed for construction within the R-3 district shall be reviewed by the planning and zoning board and approved by the city commission, prior to the issuance of a building permit.

(c) *Permitted uses.* In the R-3 district, no building or structure, or part thereof, shall be erected, altered or used, or land and water used, in whole or in part, for other than one or more of the following uses:

(1) Dwelling, multi-family;

(2) Parks and recreation, public;

(3) Special residential facility, type 1, subject to sec.23-109;

(4) Special residential facility, type 2, subject to sec.23-109;

(5) Special residential facility, type 3, subject to sec.23-109.

(d) *Maximum height.* No building or structure in the R-3 district shall be erected or altered to a height exceeding two (2) stories or thirty (30) feet.

(e) *Minimum yards.* The minimum width or depth of yards in the R-3 district shall be as follows:

(1) *Front yard:* Twenty-five (25) feet.

(2) *Street side yard:* Fifteen (15) feet.

(3) *Interior side yard:* Ten (10) feet, provided that when two (2) or more lots are acquired as a single dwelling site, the interior side yard setback shall apply only to the lot lines bordering the adjoining property.

(4) *Rear yard:* Fifteen (15) feet.

(f) *Minimum floor area per unit.* No dwelling unit shall be constructed or occupied on any lot within the R-3 district with a gross floor area of less than the following:

(1) Four hundred fifty (450) square feet per efficiency unit;

(2) Six hundred (600) square feet per one-bedroom unit;

(3) Eight hundred (800) square feet per two-bedroom or larger unit.

(g) *Building dimensions.*

(1) No multi-family building shall be constructed or occupied in the R-3 district that shall contain accommodations for less than six (6) dwelling units.

(2) No building shall be constructed or occupied in the R-3 district that shall be greater in length than two hundred (200) feet.

(3) No building within the R-3 district shall be separated from any other building within the R-3 district by a distance less than twenty (20) feet.

(h) *Maximum density.* Dwelling units within the R-3 district shall not exceed the maximum amount of units permitted by the city's land use plan map for each parcel of land.

Sec. 23-41. Reserved.

Sec. 23-42. R-4, Multi-family (moderate density) district.

(a) *District purpose.* The R-4, multi-family (moderate density) district is intended to apply to those areas of the city to be used for moderate to high density multi-family, apartment and condominium type development. The purpose of the district is to accommodate a variety of living styles and to provide areas suitable for higher density affordable housing types. The R-4 district corresponds to the residential, M designation of the future land use element of the comprehensive plan.

(b) *Review and approval.* The plot plan and construction plans for any building designed for construction within the R-4 district shall be reviewed by the planning and zoning board and approved by the city commission, prior to the issuance of a building permit.

(c) *Permitted uses.* In the R-4 district, no building or structure, or part thereof, shall be erected, altered or used, or land and water used, in whole or in part, for other than one or more of the following uses:

(1) Dwelling, multi-family;

(2) Parks and recreation, public;

(3) School, elementary or secondary;

(4) Special residential facility, type 1, subject to sec.23-109;

(5) Special residential facility, type 2, subject to sec.23-109;

(6) Special residential facility, type 3, subject to sec.23-109.

(d) *Maximum height.* No building or structure in the R-4 district shall be erected or altered to a height exceeding two (2) stories or thirty

(30) feet.

(e) *Minimum yards.* The minimum width or depth of yards in the R-4 district shall be as follows:

(1) *Front yard:* Twenty-five (25) feet.

(2) *Street side yard:* Ten (10) feet.

(3) *Interior side yards:* Ten (10) feet provided that when two (2) or more lots are acquired as a single building site, the interior side yard setback shall apply only to the lot lines bordering the adjoining property.

(4) *Rear yard:* Fifteen (15) feet.

(f) *Minimum floor area per unit.* No dwelling unit shall be constructed or occupied on any lot or lot within the R-4 district with a gross floor area of less than the following:

(1) Four hundred fifty (450) square feet per efficiency unit;

(2) Six hundred (600) square feet per one-bedroom unit;

(3) Eight hundred (800) square feet per two-bedroom unit;

(4) Eleven hundred (1,100) square feet per three-bedroom or larger unit.

(g) *Maximum floor area ratio (FAR).* Every building constructed in the R-4 district shall be constructed on a lot that shall contain at least two (2) square feet for each square foot of gross floor area in the building to be constructed on the lot.

(h) *Building dimensions.*

(1) No multi-family building shall be constructed or occupied in the R-4 district that shall contain accommodations for less than four (4) nor more than eight (8) dwelling units.

(2) No building shall be constructed or occupied in the R-4 district that shall be greater in length than two hundred (200) feet.

(3) No building within the R-4 district shall be separated from any other building within the R-4 district by a distance less than twenty (20) feet.

(i) *Maximum density.* Dwelling units within the R-4 district shall not exceed the maximum amount of units permitted by the city's land use plan map for each parcel of land.

Sec. 23-43. Reserved.

Sec. 23-44. OP, Office park district.

(a) *District purpose.* The OP, office park district is intended to encourage the location of planned office complexes and corporate headquarters in the city.

(b) *Review and approval.* Review and approval of development in the OP district shall be subject to the following provisions.

(1) *Ownership and control.* Any lot or parcel of land to be developed pursuant to the regulations of this district shall be and remain in single, fee simple ownership or under unified control.

(2) *Site development plan.* All buildings or structures, or land or water uses, or parts thereof, shall be used, erected or altered, and any building permit issued shall be in accordance with a final site development plan approved by the city commission pursuant to chapter 24, subdivision and site plan review.

(c) *Permitted uses.* In the OP district, 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 the following:

(1) College or university;

(2) Community assembly subject to the supplemental regulations in Section23-95(b);

(Ord. No. 08-7-1, §4, 7-15-08)

(3) Crop agriculture, as an interim land use, in accordance with the city’s comprehensive land use plan;

(4) Dwelling, multi-family, provided the residential gross floor area shall not exceed fifty (50) percent of the total gross floor area and sufficient reserve units are received from the city commission prior to submission of site plan and plats to the city for processing;

(5) Hospital;

(6) Medical office or clinic, subject to Section23-101.1 and Section 23-104.1;

(7) Medical or dental laboratory, subject to Section 23-101.1 and Section 23-104.1;

(Ord. No. 10-5-1, §3, 5-25-10)

(8) Office, business or professional;

(9) Research and development;

(10) Utilities, general.

(11) Governmental services, as defined in section 21-9 of this code.

(Ord. No. 00-5-4, §1, 5-23-00; Ord. No. 06-10-2, §1, 10-24-06; Ord. No. 08-7-1, §4, 7-15-08)

(d) *Minimum site area.* No development to be undertaken in the OP district shall be on a parcel less than two (2) net acres in area.

(e) *Maximum building coverage.* The combined ground area coverage of all principal and accessory buildings in the OP district shall not exceed thirty-five (35) percent of the area of the parcel.

(f) *Maximum height.* No building or structure in the OP district shall be erected or altered to a height exceeding three (3) stories or forty-five (45) feet. The architectural design of any building exceeding one story shall preclude line of vision into any abutting residential zone.

(g) *Minimum yards.* The minimum width or depth of yards in the OP district shall be as follows, provided that one additional foot of setback shall be required for each foot by which any building or structure exceeds twenty-five (25) feet in height:

(1) *Front yard:* Sixty (60) feet.

(2) *Street side yard:* Sixty (60) feet.

(3) *Interior side yard:* Twenty-five (25) feet.

(4) *Rear yard:* Twenty-five (25) feet.

(h) *Buffers.* In order to ensure compatibility between development in the OP district and adjacent land uses, the following buffer provisions shall apply.

(1) No building shall be located less than sixty (60) feet from any property line abutting residentially zoned property, provided that one additional foot of setback shall be required for each foot by which any building or structure exceeds twenty-five (25) feet in height.

(2) No parking shall be located less than ten (10) feet from any property line abutting residentially zoned property; nor less than five (5) feet from any other property line; nor less than twenty-five (25) feet from all property lines abutting roadways.

(i) *Loading areas.* Loading areas for receipt, dispatch or handling of materials, products or supplies shall not be located on the sides of buildings abutting public streets.

(j) *Access.* Any lot to be developed pursuant to the regulations of the OP district shall have direct access to a roadway which meets the specifications of a collector road, as defined by the Broward County trafficways plan.

(k) *Enclosure of uses.* All uses in the OP district shall be within enclosed buildings. There shall be no outside storage of materials, supplies, products, equipment or machinery, except for the vehicles of employees and visitors.

Sec. 23-45. Reserved.

Sec. 23-46. B-1, Planned neighborhood business district.

(a) *District purpose*. The B-1, planned neighborhood business district is intended to provide for proper design of buildings and structures, access and circulation and relation to surrounding areas to provide for efficient functioning of the permissible uses, and for adequate protection to adjacent and nearby residential areas. It is intended to eliminate strip business development by permitting businesses to be part of an integrated business district, with no exceptions. It is intended primarily to meet the local neighborhood shopping and personal service needs of a limited surrounding residential area. Retail stores permitted therein are intended to include primarily convenience goods which are usually a daily necessity for a residential neighborhood.

(b) *Review and approval.* The review and approval of development in the B-1 district shall be subject to the following provisions.

(1) *Application requirements.* Prior to receiving a building permit, the developer shall submit a plat and/or site development plan and receive approval by the city in accordance with chapter 24, subdivision and site plan review.

(2) *Hours of operation.* Opening and closing hours shall be subject to city commission approval.

(3) *Amusement/Vending machines.* The number and kind of vending machines are subject to city commission review and approval. Amusement machines are subject to section 23-86, amusement centers. A permit must be issued for all such machines by the city clerk. No cigarette or other tobacco product vending machines shall be permitted.

(Ord. 95-9-6, § 1, 9-26-95;Ord. No. 07-2-2; §1, 2-13-07)

(c) *Permitted uses.* In the B-1 district, 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 or more of the following uses:

(1) Alcohol sales and service as an ancillary use to a permitted use and limited to no more than a 2COP beer and wine only license or equivalent

(2) Bank

(Ord. No. 05-04-03, §1; 04-12-05)

(3) Day care center, subject to section 23-96;

(4) Medical office or clinic, subject to Section23-101.1 and Section 23-104.1;

(Ord. No. 10-5-1, §3, 5-25-10)

(5) Office, business or professional;

(6) Personal care services, provided that self-service laundry shall be within a standard enclosed bay and not over twelve hundred (1,200) gross square feet in area, and further provided that dry cleaning shall be subject to section 23-97;

(7) Personal improvement services;

(8) Pharmacy, subject to Section23-104.1;

(9) Repair, small appliance;

(10) Restaurant, general;

(11) Retail, neighborhood;

(12) Retail, secondhand goods, provided that no secondhand or used merchandise shall be offered for sale, dis played or stored except in an antique store or as incidental to the sale of new merchandise;

(13) Sewage lift or pumping station, subject to section 23-107;

(14) Special residential facility, type 3, subject to section 23-109;

(15) Transformer substation, subject to section 23-112;

(16) Water or wastewater plant, local, subject to section 23-114.

(17) Community assembly, subject to the supplemental regulations contained in Section 23-95(b).

(Ord. No. 04-06-02, § 1, 06-22-04; Ord. No. 05-04-03, §1; 04-12-05; Ord. No. 08-7-1, §5, 7-15-08; Ord. No. 10-5-1, §3, 5-25-10)

(d) *Conditional uses.* The following uses may be permitted in the B-1 Planned Neighborhood Business District, subject to the provisions of Section 23-152.

(1) Retail pet sales, subject to Section 23-113.

(e) *Minimum site size.* No development site in the B-1 district shall be less than five (5) net acres (217,800 square feet) in area, with a minimum street frontage of three hundred (300) feet unless the development meets the following exception: a development site may be allowed in the B-1 district with less than five (5) net acres but no less than three (3) net acres if the development site is adjacent to at least two (2) roadways, with at least one of those roadways having at least three hundred (300) feet of frontage, and the combined frontage of the two roadways is at least six hundred (600) feet. Such development may include multiple parcels if all of the parcels of the development are unified for development in perpetuity such as through a recorded document for unified control or a recorded document for cross access between the parcels in perpetuity.

(Ord. No. 11-9-4, §2; 09-26-11)

(f) *Maximum height.* No building or structure in the B-1 district shall be erected or altered to a height exceeding one (1) floor or fifteen (15) feet from average grade level to top of roof deck. In accordance with the following criteria, an architectural facade may be extended above the roof deck to shield air conditioning units and other mechanical equipment, provided, the total height of the structure shall not exceed twenty (20) feet. In no instance shall the roof deck exceed fifteen (15) feet from the finished floor.

(1) The roof line of the building shall be sloped on all sides with a minimum ratio of one to one and a maximum ratio of one to ten.

(2) The roofing material and design of the building shall be reviewed by the planning and zoning board to ensure architectural coordination with adjacent residential subdivisions.

(g) *Minimum yards.* The minimum required width or depth of yards in the B-1 district shall be as follows:

(1) *Front yard:* Seventy-five (75) feet.

(2) *Street side yard:* Seventy-five (75) feet.

(3) *Interior side yard:* Sixty (60) feet.

(4) *Rear yard:* Sixty (60) feet.

(h) *Open space and buffering.* The following open space and buffering provisions shall apply in the B-1 district.

(1) Every lot shall be provided with an open space area at least twenty-five (25) feet in depth adjacent to all streets. The open space areas shall not be used for fences, walls, signs, parking, loading or for any other structure or purpose other than for driveways and walkways as herein provided. All open space areas shall be fully landscaped with grass, shrubbery and trees except where crossed by permissible driveways or walkways.

(2) If a property line abuts a main entrance to a subdivision, a setback of one hundred twenty-five (125) feet from the abutting property line to the nearest structure shall be required. A fifty (50) foot wide buffer along the abutting property line shall be professionally designed and landscaped so as to reduce the public view of the commercial district. The use of five (5) foot berms for screening and dimension shall be required for at least sixty (60) percent of the measured distance along the abutting property line. Required landscaping shall not obscure drivers view at an intersection.

(3) An area equal to one and one-half (1½) percent of total gross acreage shall be designed in such a way as to provide a resting area such as a pavilion and/or courtyard with benches and aesthetic amenities, including child-oriented play equipment preferably made of natural materials.

(i) *Driveways and walkways.* Driveways and walkways in the B-1 district that cross required open space and buffer areas shall be limited as follows:

(1) The driveway shall not exceed forty-two (42) feet in width, with a six-foot wide curbed median strip a minimum of eighteen (18) feet in length, and eighteen (18) feet of paved driveway on either side of the median. No walkway shall exceed six (6) feet in width.

(2) The total width of driveways and walkways measured along each street line shall not exceed twenty (20) percent of lot frontage along that street, provided that where the frontage on a street is less than two hundred (200) feet, but not less than one hundred (100) feet, one driveway shall be permitted.

(3) No driveway or walkway shall be located nearer than forty (40) feet to any other driveway or walkway.

(4) No driveway shall be located nearer than twenty-five (25) feet to a street intersection.

(5) No driveway or walkway shall be located nearer than fifty (50) feet to any residentially zoned property, nor nearer than twenty-

five (25) feet to the lot line of any other property.

(j) *Enclosure of uses.* Except for automobile parking lots, for off-street parking use only, all activities of permitted uses in the B-1 district, including sale, display, preparation and storage, shall be conducted entirely within a completely enclosed building.

(k) *Lighting.* All exterior lighting shall be designed and arranged so as not to cause a direct glare beyond the B-1 site. Exterior lighting shall be low-pressure sodium.

(Ord. No. 10-4-2, §2, 4-13-10)

Sec. 23-47. Reserved.

Sec. 23-48. B-2, Planned community business center district.

(a) *District purpose.* The B-2, planned community business center district is intended to provide for proper design of buildings and structures, access and circulation and relation to surrounding areas to provide for efficient functioning of the permissible uses, and for adequate protection to adjacent and nearby residential areas. It is intended to eliminate strip business development by permitting businesses to be part of an integrated business district, with no exceptions. It is also intended to meet the limited shopping and service needs of several neighborhoods or a substantial territory.

(b) *Review and approval.* The review and approval of development in the B-2 district shall be subject to the following provisions.

(1) *Application requirements.* Prior to receiving a building permit, the developer shall submit a plat and/or site development plan and receive approval by the city in accordance with chapter 24, subdivision and site plan review.

(2) *Board consideration.* In approving plans for a B-2 site, the planning and zoning board shall consider the following:

a. Conformity to the land use plan;

b. Effect of this type of business on neighboring property;

c. Effect on vehicular and pedestrian traffic;

d. Setbacks, location and width of access and egress driveways and curb cuts;

e. Location, size, quantity and type of signs.

(3) *Hours of operation and loitering.* Opening and closing hours shall be subject to city commission approval. The owner/operator shall be held responsible for ensuring compliance with the loitering ordinance (section 14-4).

(c) *Permitted uses.* In the B-2 district, 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 or more of the following uses:

(1) Alcohol sales or service;

(2) Amusement vending machines subject to regulations in section23-86. (3) Bank;

(4) Day care center, subject to section23-96;

(5) Hotel or motel, not to exceed a density of twenty-four (24) rooming units per gross acre;

(6) Laundry, provided that dry cleaning shall be subject to section23-97;

(7) Medical office or clinic, subject to Section23-101.1 and Section 23-104.1;

(8) Office, business or professional;

(9) Personal care services, provided that self-service laundry shall be within a standard enclosed bay and not over twelve hundred (1,200) gross square feet in area, and further provided that dry cleaning shall be subject to section 23-97;

(10) Personal improvement services;

(11) Pharmacy, subject to Section 23-104.1

(12) Recreation, indoor;

(13) Repair, small appliance;

(14) Restaurant, general;

(15) Retail, community;

(16) Retail, neighborhood;

(17) Retail, secondhand goods, provided that no secondhand or used merchandise shall be offered for sale, dis played or stored except in an antique store or as incidental to the sale of new merchandise;

(18) Sewage lift or pumping station, subject to section23-107;

(19) Special residential facility, type 3, subject to section23-109;

(20) Transformer substation, subject to section23-112;

(21) Veterinary services, subject to section23-113;

(22) Water or wastewater plant, local, subject to section23-114.

(23) Community assembly, subject to the supplemental regulations contained in Section23-95(b).

(Ord. No. 04-06-03, § 1, 06-22-04; Ord. No. 08-7-1, § 6, 7-15-08; Ord. No. 10-5-1, § 3, 5-25-10)

(d) *Conditional uses.* The following uses may be permitted in the B-2 planned community business district, subject to the provisions of Sections 23-152.

(1) Tattoo parlor, subject to a minimum 1,000 foot separation between the tattoo parlor and another such use. Measurement of the 1,000 feet shall be by an actual or imaginary straight line upon the ground or in the air, from the property line of the lot on which the proposed tattoo parlor will be located to the nearest property line of the lot on which exists any other tattoo parlor. (Ord. No. 15-3-1, § 2, 3-10-15)

(e) *Minimum site size*. No development site in the B-2 district shall be less than ten (10) net acres (435,600 square feet) in area unless the development meets the following exception: a development site may be allowed in the B-2 district with less than ten (10) net acres but no less than six (6) net acres if the development site has frontage on at least two (2) roadways with one of the roadways being classified as a collector or higher designation and the other being classified as an arterial or higher designation and such classifications are shown on the County Trafficways Map or other comparable document. (Ord. No. 11-9-5, § 2; 09-26-11)

(f) *Maximum height.* No building or structure in the B-2 district shall be erected or altered to a height exceeding forty-five (45) feet. The architectural design of any building exceeding one story shall be such to preclude line of vision into any abutting residential zone.

(g) *Minimum yards.* The minimum required width or depth of yards in the B-2 district shall be as follows:

(1) *Front yard:* Seventy-five (75) feet.

(2) *Street side yard:* Seventy-five (75) feet.

(3) *Interior side yard:* Sixty (60) feet.

(4) *Rear yard:* Sixty (60) feet.

(h) *Open space and buffering*. The following open space and buffering provisions shall apply in the B-2 district.

(1) Every lot shall be provided with an open space area at least twenty-five (25) feet in depth adjacent to all streets.

(2) The open space areas shall not be used for fences, walls, signs, lighting standards, parking, loading or for any other structure or purpose other than for driveways and walkways as herein provided. All open space areas shall be fully landscaped with grass, shrubbery and trees, pursuant to chapter 25, article III, landscaping, except where crossed by permissible driveways or walkways.

(Ord. No. 07-2-3; §1, 2-13-07)

(i) *Driveways and walkways.* Driveways and walkways in the B-2 district that cross required open space areas shall be limited as follows:

(1) No driveway shall exceed twenty (20) feet in width, and no walkway shall exceed six (6) feet in width.

(2) Total width of driveways and walkways measured along each street line shall not exceed twenty (20) percent of lot frontage along that street; provided that where the frontage on a street is less than two hundred (200) feet, but not less than one hundred (100) feet, two (2) driveways shall be permitted, each not more than twenty (20) feet in width.

(3) No driveway or walkway shall be located nearer than forty (40) feet to any other driveway or walkway.

(4) No driveway shall be located nearer than twenty-five (25) feet to a street intersection.

(5) No driveway or walkway shall be located nearer than fifty (50) feet to any residentially zoned property, nor nearer than twenty-five (25) feet to the lot line of any other property.

(j) *Enclosure of uses.* Except for automobile parking lots and drive-in banks, all activities or permitted uses including sales, display, preparation and storage shall be conducted entirely within a completely enclosed building.

(k) *Lighting.* All exterior lighting shall be designed and arranged so as not to cause a direct glare beyond the B-2 site. Exterior lighting should be low-pressure sodium.

(l) *Amusement/vending machines.* The display or operation of vending machines for public patronage in the B-2 district shall be subject to the following provisions.

(1) A permit must be issued for vending machines by the city clerk.

(2) Only three (3) vending machines are allowed: one for soft drinks, one for prepared, prewrapped snacks, candy and/or food. Amusement machines are subject to section 23-86, amusement centers. A permit must be issued for all such machines by the city clerk. No cigarette or other tobacco product vending machines shall be permitted.

(Ord. 95-9-6, § 1, 9-26-95; Ord. No. 07-2-3; § 1, 2-13-07)

Sec. 23-49. Reserved.

Sec. 23-50. B-3, General business district.

(a) *District purpose.* The B-3, general business district is 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, and shall be subject to the regulations and specifications in this section.

(b) *Permitted uses.* In the B-3 district, 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 or more of the following specified uses:

(1) Alcohol sales or service;

(2) Bank;

(3) Building maintenance services;

(4) Contractor yard, limited to offices or electrical and plumbing contractors including not over four thousand (4,000) square feet or enclosed storage and shop space, with no outside or open air storage of supplies or materials;

(5) Day care center, subject to section 23-96;

(6) Hotel or motel, not to exceed a density of twenty-four (24) rooming units per gross acre;

(7) Laundry, provided that dry cleaning shall be subject to section 23-97;

(8) Medical office or clinic, subject to Section 23-101.1 and Section 23-104.1;

(9) Military installation;

(10) Office, business or professional;

(11) Personal care services, provided that self-service laundry shall be within a standard enclosed bay and not over twelve hundred (1,200) gross square feet in area, and further provided that dry cleaning shall be subject to section 23-97;

(12) Personal improvement services;

(13) Plant nursery, retail;

(14) Pharmacy, subject to Section 23-104.1;

(15) Recreation, indoor;

(16) Recreation, outdoor;

(17) Repair, small appliance;

(18) Research and development;

(19) Restaurant, general;

(20) Restaurant, fast food;

(21) Retail, community;

(22) Retail, general, excluding any open air sale or display of machinery, farm implements or construction equipment and provided that the sale and rental of utility trailers shall be limited to display and storage of not more than ten (10) such trailers;

(23) Retail, neighborhood;

(24) Retail, secondhand goods, provided that no secondhand or used merchandise shall be offered for sale, dis played or stored except within a fully enclosed building;

(25) Sewage lift or pumping station, subject to section 23-107;

(26) Special residential facility, type 3, subject to section 23-109;

(27) Transformer substation, subject to section 23-112;

(28) Vehicle and equipment repair, excluding painting and bumping or any open air sale or display of machinery, farm implements or construction equipment;

(29) Veterinary services, subject to section 23-113;

(30) Water or wastewater plant, local, subject to section 23-114.

(31) Community assembly, subject to the supplemental regulations contained in Section 23-95(b).

(Ord. No. 04-06-04, § 1, 06-22-04; Ord. No. 08-7-1, § 7, 7-15-08; Ord. No. 10-5-1, § 3, 5-25-10)

(c) *Conditional uses.* The following uses may be permitted in the B-3 general business district, subject to the provisions of Section 23-152.

(1) Self-storage facilities.

(2) Tattoo parlor, subject to a minimum 1,000 foot separation between the tattoo parlor and another such use. Measurement of the 1,000 feet shall be by an actual or imaginary straight line upon the ground or in the air, from the property line of the lot on which the proposed tattoo parlor will be located to the nearest property line of the lot on which exists any other tattoo parlor. (Ord. No. 15-3-1, § 2, 3-10-15)

(d) *Maximum height.* No building or structure in the B-3 district shall be erected or altered to a height exceeding one hundred (100) feet.

(e) *Minimum yards.* The minimum required width or depth of yards in the B-3 district shall be as follows:

(1) *Front yard:* None, provided that a yard setback of twenty-five (25) feet shall be required if the front lot line abuts a street separating the B-3 district from a residential district.

(2) *Street side yard:* None, provided that a yard setback of twenty-five (25) feet shall be required if the street side lot line abuts a street separating the B-3 district from a residential district.

(3) *Interior side yard:* None, provided that a yard setback of ten (10) feet shall be required if the interior lot line separates the B-3

district from a residential district without any separator such as an alley, canal or other public open space.

(4) *Rear yard:* None, provided that a yard setback of ten (10) feet shall be required if the interior lot line separates the B-3 district from a residential district without any separator such as an alley, canal or other public open space.

(f) *Minimum floor area per unit.* The minimum gross floor area of an accessory dwelling unit in a hotel, motel, or lodging for transients shall be three hundred twenty-five (325) square feet. The minimum gross floor area of a rental sleeping room in a hotel, lodging hotel, tourist home or similar use shall be one hundred fifty (150) square feet.

(Ord. No. 03-09-02, § 1, 9-16-03)

(g) *Amusement/vending machines.* The number and kind of vending machines are subject to City Commission review and approval. Amusement vending machines are subject to section 23-86, amusement centers. A permit must be issued for all such machines by the city clerk. No cigarette or other tobacco product vending machines shall be permitted.

(Ord. No. 07-2-4; §1, 2-13-07)

Sec. 23-51. Reserved.

Sec. 23-52. C-1, Service station district.

(a) *District purpose.* The C-1, service station district is intended to provide for the only areas within the city wherein the construction and/or operation of (full and self-service) service stations shall be permitted.

(b) *Review and approval.* The review and approval of development in the C-1 district shall be subject to the following provisions.

(1) *Separation from residential zoning.* No C-1 district shall be located within two hundred fifty (250) feet, as measured along or perpendicular to street rights-of-way, of any property that is residentially zoned, unless waived by ordinance of the city commission.

(2) *Site development plan.* An application for rezoning to the C-1 district shall be accompanied by a site development plan conform to the requirements of chapter 24, subdivision and site plan review.

(3) *Integrated developments.* If the proposed development is an integrated part of a commercial development, all buildings, structures, and signs constructed or placed on a site in the C-1 district shall be homogeneous in design, materials and color with the design, materials and colors of buildings, structures or signs constructed and placed on the adjacent commercial development, in compliance with the provisions of section 23-102 of this code.

(c) *Permitted uses.* In the C-1 district, 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 a service station restricted by the following specifications:

(1) No more than six (6) dispensing units (12 dispensing locations) to be configured per accepted engineering standards.

(2) Repair activities shall be restricted to the following:

a. Sale and servicing of spark plugs and batteries;

b. Tire repair and servicing, but no recapping;

c. Replacement of mufflers and tailpipes, water hose, fan belts, brake fluid, light bulbs, floor mats, seat covers, wiper blades and arms, replacement of grease retainers and wheel bearings and air-conditioner servicing;

d. Washing and polishing;

e. Greasing and lubrication;

f. Exchanging fuel pumps and installing exchange brake shoes;

g. Tuning engines, adjusting transmissions, cleaning carbon or removing the head of engines and/or crank cases with the exception of grinding valves;

(3) Not more than one car wash bay shall be permitted in the C-1 district. The wash bay may be a part of the main building or free-standing provided, however, that the location of a free-standing car wash facility shall comply with applicable C-1 district setback requirements. The wash bay shall be open from rear to front, and be easily accessible to automobiles, yet be well-buffered by structural design and landscape from the integrated business area. The wash bay shall have adequate stacking lanes a minimum of one hundred (100) feet in length in front of the washing bay and a stacking lane a minimum of forty (40) feet in length behind the washing bay for safety purposes.

(4) Not more than two (2) service bays shall be permitted in the C-1 district. Service bay doors shall be oriented away from the abutting road right-of-way.

(5) The sale, display, rental or servicing of utility trailers, construction equipment, or luggage racks or containers shall be prohibited in the C-1 district.

(6) If towing service is provided in the C-1 district, not more than one tow truck shall be located on site, and shall be parked at the furthermost distance from any abutting public road right-of-way. Impounding of towed vehicles, or lease or rental of parking space, and outside storage of vehicles of any type except a permitted tow truck shall be prohibited.

(7) The size of the area of a service station establishment in the C-1 district devoted to the accessory retail sale of convenience items shall not exceed ten percent (10%) of the lot area, not to exceed four thousand (4,000) square feet of gross floor area. Alcohol sales, excluding spirits and hard liquor as comparable to a 2APS beer and wine package sales only license, shall be considered permitted for retail sales within an accessory convenience store.

(8) A maximum of three (3) vending machines may be located within a structure in a C-1 district, subject to the permitting procedures through the city clerk. No cigarette or other tobacco product vending machines shall be permitted.

(d) *Minimum lot size.* Minimum lot area one acre (43,560 square feet), with a minimum width of one hundred ninety (190) feet and a minimum depth of two hundred twenty-five (225) feet. Private driveways which provide access to adjacent sites or parcels of land shall not be permitted to be included in the calculation of minimum lot size.

(e) *Maximum height.* No building or structure in the C-1 district shall be erected or altered to a height exceeding twenty (20) feet. The underside of the pump island canopy shall be a minimum height above grade of fourteen and one- half (14½) feet.

(f) *Minimum yards.* The minimum required width or depth of yards in the C-1 district shall be as follows:

(1) *Front yard:* Seventy-five (75) feet.

(2) *Street side yard:* Seventy-five (75) feet.

(3) *Interior side yard:* Forty (40) feet.

(4) *Rear yard:* Forty (40) feet.

(g) *Buffering and landscaping.*

(1) *Perimeter landscaping adjacent to street lot lines.*Landscaped areas shall be provided between vehicular use areas adjacent to street lot lines according to the standards set forth in section 25-42(a) of this code, provided, however, that the landscape buffer on the front street yard shall be a minimum of forth (40) feet in width.

(2) *Perimeter landscaping on interior lot lines.* On interior lot lines of a parcel in C-1 district, there shall be a landscaped buffer parallel to the lot line of not less than five (5) feet in width, nor greater than five (5) feet in height to form a visual screen between the off-street parking area or other vehicular use area and such abut ting property. In addition, one (1) tree shall be provided for each forty (40) linear feet along the interior property line in the planting strip. Each such tree shall be planted in at least twenty-five square feet of planting area. Each such planting area shall be landscaped with grass, ground cover or other landscape material, excluding paving, in addition to the required trees and protected from vehicles by a raised concrete curb.

(3) *Interior landscape requirements for vehicular use areas.*Landscaped areas shall be provided in the interior of vehicular use area according to the following standards:

a. Off-street parking areas shall have at least ten (10) square feet of interior landscaping for each parking space.

b. In addition, other vehicular use areas shall have one (1) square foot of landscape area for each one hundred (100) square feet or fraction thereof of paved area. Other vehicular use areas include activities of a drive-in nature such as filling stations and stacking areas for car wash bays. The landscape areas required by this subsection shall be located adjacent to the building or structure on the site. The interior landscape herein required shall be in addition to the perimeter landscaping requirements.

c. Where the property contains both parking areas and other vehicular use areas, the two (2) types of areas may be separated for the purposes of determining the other vehicular use area by first subtracting the parking area amount from the total square footage of the paved area.

d. Each separate landscaped area shall contain a minimum of twenty-five (25) square feet and shall have a dimension of at least five (5) feet in width and shall include at least one (1) tree, with the remaining area landscaped with shrubs, ground cover or other authorized landscaping material not to exceed three (3) feet in height. Such landscaped areas shall be located in such a manner as to divide and break up the expanse of paving.

(h) *Enclosed uses and pump canopies.* All activities of permitted uses, including display, servicing and storage, but excluding fuel pumps, shall be conducted entirely within a completely enclosed building in the C-1 district. Outdoor displays or merchandise such as, but not limited to, large pyramids of tires shall be prohibited. All pumping areas shall be under a canopy for protection from the weather.

(i) *Fuel storage.* In the C-1 district, the total capacity of tanks and storage facilities for flammable liquids incidental to the operation of a service station shall not exceed fifteen thousand (15,000) gallons per type of product dispensed at the station. All gasoline, benzene, diesel fuel, naphtha or other volatile flammable liquids stored incidental to the operation of a service station shall be kept in underground tanks. Storage tank vents shall be erected adjacent to the main building or in an area shielded by heavy landscaping. For purposes of this subsection, the term "heavy" shall mean landscaping sufficient, in the opinion of the city's landscape architect, to completely shield the storage tank vents from view. The sale, distribution or storage of propane gas in bulk form shall be prohibited.

(j) *Access.* Access in the C-1 district shall be subject to the following provisions.

(1) There shall be no more than one driveway for access and egress to a service station for each side of the property. Driveways shall not be less than thirty (30) feet nor more than forty (40) feet in width, and all frontage between driveways shall be landscaped. Measured along the street line, driveways shall be at least fifty (50) feet from an abutting property line or differing zone line. On a corner lot, all driveways shall be at least fifty (50) feet from the intersection of the street right-of-way.

(2) Interior vehicular access shall be provided to abutting commercial properties and shall be evidenced by cross access easements, agreements or other instruments that assure perpetual access between abutting properties.

(k) *Lighting.* All exterior lighting in the C-1 district shall be so designed and arranged as not to cause a direct glare beyond the station site. Exterior lighting shall not exceed one (1) foot candle measured at the property lines by a certified light meter.

(l) *Parking and traffic aisles.* Parking and traffic aisles shall be provided in the C-1 district in accordance with the provisions of article I of chapter 25 of this code, "off-street parking and loading."

(m) *Accessory and mechanical equipment.* All accessory and mechanical equipment, as defined in section 23-80 of this code, to be provided in a C-1 district development shall be hidden or screened as follows:

(1) *Ground level.* All accessory equipment shall be kept hidden from view behind a wall, mature landscaping or fence made a permanent part of the structure and showing and approved on site plans. The screening wall shall be a minimum of two (2) feet higher than the top of all equipment to be screened. No accessory equipment shall exceed four (4) feet in height above ground level within any and all setback areas.

(2) *Below ground level*. Accessory equipment may be placed underground, wherever permitted by this and other appropriate codes, so as to be hidden from public view. All necessary exhaust or venting apparatus that is to be above ground shall be subject to the provisions of subsection (1) above.

(3) *Roofscapes.* No accessory equipment shall exceed four (4) feet in height above roof level and shall be kept hidden from view behind a wall or other permanent screening device approved by site plans.

(n) *Penalty.* Any violation of a whole or apart thereof of this section will be punished by revocation of occupational license and/or a five hundred dollar ($500.00) fine.

(Ord. 98-5-1, § 1, 5-26-98; Ord. No. 04-03-01, § 1, 03-23-04)

Sec. 23-53. Reserved.

Sec. 23-54. C-2, Vehicle service district.

(a) *District purpose.* The C-2, vehicle service district is intended to provide a specific zoning district within the City wherein the construction and/or operation of uses related to the servicing of all types of automated vehicles and machinery are permitted.

(b) *Review and approval.* The review and approval of development in the C-2 district shall be subject to the following provisions.

(1) *Separation from residential zoning.* The perimeter of the property zoned C-2 shall not be located closer than two hundred fifty (250) feet to any residential zoning district boundary lines.

(2) *Integrated developments.* If the proposed development is an integrated part of a commercial development, it shall be designed with the same materials and colors as the commercial development, and constructed at the same time as the commercial complex unless waived by the city commission.

(c) *Permitted uses.* No building or structure shall be erected, altered, or used, or land or water used, in whole or in part, for other than the following uses:

(1) Vehicle and equipment repair, subject to section 23-54(h).

(d) *Minimum lot size.* No lot in the C-2 district shall be less than thirty-two thousand (32,000) square feet in area, with a minimum depth of no less than three hundred (300) feet, prior to dedication of rights-of way required pursuant to Broward County trafficways plan and the city's transportation plan.

(e) *Minimum yards.* The minimum required width or depth of yards in the C-2 district shall be as follows:

(1) *Front yard:* Sixty (60) feet.

(2) *Street side yard:* Sixty (60) feet.

(3) *Interior side yard:* Thirty (30) feet.

(4) *Rear yard:* Forty (40) feet.

(f) *Maximum height.* No building or structure in the C-2 district shall be erected or altered to a height exceeding one (1) story or twenty-four (24) feet, which includes parapets and shielding of all mechanical equipment.

(g) *Buffering and landscaping.* A minimum twenty-five (25) foot landscape buffer with a forty-two (42) inch high landscaped berm shall be located around the perimeter abutting a public right-of-way.

(h) *Repairs.* No vehicle or equipment service use shall be permitted to provide other than the following types of repair activities:

(1) Sale and servicing of sparkplugs and batteries;

(2) New tire sales, repair and servicing, but no recapping, vulcanizing or retreading;

(3) Replacement of mufflers and tailpipes, water hose, fan belts, brake fluid, light bulbs, floor mats, seat covers, wiper blades and arms, replacement of grease retainers and wheel bearings and air conditioner servicing;

(4) Radiator cleaning and flushing as an accessory use only;

(5) Washing and polishing;

(6) Greasing and lubrication;

(7) Exchanging fuel pumps and installing fuel lines;

(8) Minor servicing or replacement of carburetors;

(9) Emergency wiring repairs;

(10) Adjusting brakes and installing exchange brake shoes;

(11) Tuning engines, adjusting transmissions, cleaning carbon or removing the head of and/or crank cases, with the exception of grinding valves;

(12) Wheel balancing and aligning;

(13) Installation of shock absorbers;

(14) Replacement of automobile glass;

(15) Replacement of automobile upholstery;

(16) Sale, display, rental or servicing of utility trailers, construction equipment, or luggage racks or containers.

(i) *Enclosed uses.* In the C-2 district, all activities shall be conducted within an enclosed building or shall be completely shielded from view of the public right-of-way or adjacent property by six (6) foot high walls, with the exception of outside overnight parking of vehicles under repair; provided that not more than twenty (20) percent of required parking is utilized for such purpose.

(j) *Service bays.* In the C-2 district, overhead garage doors shall not face directly toward an adjacent residential district unless shielded by another nonresidential structure other than a required buffer wall. Overhead garage doors shall not face toward any right-of-way designated on the Broward County transportation plan.

(k) *Fuel and convenience sales.* In the C-2 district, retail sale of motor fuels, propane, and food or beverages other than vending machines shall be expressly prohibited. Up to three (3) food and beverage vending machines shall be permitted, subject to the permitting procedures through the city clerk.

(l) *Towing and auto storage.* If towing service is provided in the C-2 district, not more than one tow truck shall be located on site, and shall be parked at the furthermost distance from any abutting public road right-of-way. Impounding of towed vehicles, or lease or rental of parking space, and outside storage of vehicles of any type except a permitted tow truck shall be prohibited.

(m) *Penalty.* Any violation of a whole or a part thereof of this section will be punished by revocation of occupational license and/or a fine of five hundred dollars ($500.00) per day.

Sec. 23-55. Reserved.

Sec. 23-56. I-1, Light industrial district.

(a) *District purpose.* The I-1, light industrial district is intended primarily for the manufacture of small articles and non-objectionable products not involving the use of any materials, processes or machinery likely to cause undesirable effects upon nearby or adjacent property. The I-1 district may directly abut a residential or business district and the activities permitted in an I-1 district are intended to be such as may be compatible with such neighboring districts under the yard and separation regulations provided. In order to minimize conflict and preserve the I-1 districts for their primary purposes, residential, business, commercial and institutional uses are not permitted therein, either as a principal or an accessory use.

(b) *Review and approval.* The review and approval of development in the I-1 district shall be subject to the following provisions.

(1) An application to erect, design, rebuild, enlarge or change a site plan of an industrial district shall first be made to the planning and zoning board. If the board recommendation is based on preliminary drawings, the final drawings must receive final review by the board and then must receive the review and approval of the city commission. The board shall review drawings as to the acceptable design of site development, buildings, and exteriors. The community appearance board shall review site development plans as to acceptable design of landscaping, signs and character of buildings.

(2) No building or structure shall be erected or altered or land used or any change of use consummated, until a site plan shall have been checked by the planning and zoning board and the director for conformity with the provisions of this chapter and other applicable regulations. The aforesaid site development plan shall include in proper form, detail, dimension and scale, the following:

a. The location, character, size and height of all buildings, structures, and use of the plot, including walls and fences;

b. All curb cuts, driveways, parking areas, loading areas;

c. All pedestrian walkways, yards, landscaping and landscape watering facilities; and water, sewer and drainage facilities;

d. Location, size, elevation, height and orientation of all signs.

(3) No building permit shall be granted unless and until an approved site development plan is submitted to and approved by the enforcing official, building inspector, or police department for conformity with this section, in accordance with chapter 24, subdivision and site plan review .

(4) No building permit shall be granted without the approval of the city engineer and the Florida department of transportation, where it has jurisdiction, in regard to drainage, paved area, driveways and curb cuts.

(5) No certificate of occupancy shall be granted unless all provisions of this section and applicable sections of this chapter are met. The building department, police department or director shall be responsible for inspecting property and approving conformity with this section after construction is completed. Notice of such approval shall be sent to the planning and zoning board, city engineer and city commission.

(c) *Permitted uses.* 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 or more of the following uses:

(1) Communication tower;

(2) Building maintenance services;

(3) Building supplies, and service businesses affiliated therewith;

(4) Air conditioning, landscaping, painting, drywall, general irrigation, tile and fence contractors, and service business affiliated therewith;

(5) Light manufacturing, provided that boat building or repair shall not be located within five hundred (500) feet of any residentially zoned property;

(6) Medical or dental laboratory, subject to Section 23-101.1 and Section 23-104.1;

(7) Repair, small appliance;

(8) Research and development;

(9) Sewage lift or pumping station;

(10) Transformer substation;

(11) Utilities, major, limited to transformer and electrical switching station;

(12) Water or wastewater plant, local;

(13) Wholesale and warehousing, provided that all such activities shall occur in buildings for single use purposes not to be less than one thousand seven hundred fifty (1,750) square feet in gross floor area in accordance with the following:

a. Wholesale and/or warehousing of controlled substances that are identified in Schedule II, III, IV in Sections 893.03, 893.035, or 893.0355, Florida Statutes, as may be amended from time to time, shall only be distributed to licensed health care practitioners, pharmacists, or other persons duly licensed to purchase or receive such substances in accordance with Florida law.

b. Except as prohibited by the above, special sales, open to the public, may be allowed by special permit up to four (4) times per year to allow for the disposal of excess inventory by warehouses, distribution and storage buildings and wholesale showrooms, pursuant to the provisions of section 9-28 of this code.

(Ord. No. 10-5-1, §3, 5-25-10)

(14) Professional office uses;

(15) Accessory commercial uses, including but not limited to, coffee shops, sandwich shops, restaurants, office supplies and equipment, and copy and printing centers; provided, however, that the total area for such accessory uses may not consume more than twenty percent (20%) of the square footage of any single building within the industrial development;

(16) Community assembly, subject to supplemental regulations contained in Section 23-95(b), including instructional uses and only trade and technical schools related to trades permitted in this district.

(Ord. No. 08-7-1, §8, 7-15-08; Ord. No. 20-9-1, § 2, 9-22-20)

(17) Auto window tinting and stereo installation; security systems and auto alarm installation; mobile phone installation and auto detailing;

(Ord. No.96-5-1, §1, 5-14-96)

(18) Recreation, indoor, limited to sports recreation, but excluding shooting galleries, subject to the provisions of section 23-152 of this code, conditional uses.

(Ord. No. 07-9-4, §1, 9-17-07)

(d) *Minimum lot size*. No lot or development site in the I-1 district shall be less than ten (10) acres in area.

(e) *Maximum height.* No building or structure in the I-1 district shall be erected or altered to a height exceeding twenty-five (25) feet, except that an architectural facade of not more than five (5) feet may be erected on the structures to a total height of not more than thirty (30) feet. The architectural design of any building exceeding one (1) story shall be such to preclude line of vision into any abutting residential zone.

(f) *Minimum yards.* The minimum required width or depth of yards in the I-1 district shall be as follows:

(1) *Front yard:* Twenty-five (25) feet.

(2) *Street side yard:* Twenty-five (25) feet.

(3) *Interior side yard:* Twenty-five (25) feet.

(4) *Rear yard:* Twenty-five (25) feet.

(g) *Residential buffer.* Where any I-1 district directly abuts on a residential district, a yard shall be provided at least seventy-five (75) feet in depth adjacent to the residentially zoned property.

(h) *Enclosed uses.* All processing, manufacturing or storage of all raw or finished materials and products in the I-1 district shall be conducted within a fully enclosed building.

(i) *Performance standards.* No use shall be permitted in the I-1 district that is obnoxious by reason of the emission of any odor, dust, radioactivity, smoke, fumes, gas or noise, or other noxious or toxic matter, or the causing of interference with radio or television reception.

(j) *Lighting.* All exterior lighting shall be designed and arranged so as not to cause direct glare beyond the I-1 site. Exterior lighting shall be low pressure sodium.

(k) Upon the submission of the owner's application for the final approval of the first development order to the city commission, the applicant shall include the following items in conformance with this article:

(1) A developers agreement or restrictive covenant in legal form approved by the city attorney committing the proposed development and all remaining vacant land to be developed in conformance with the design criteria package. The agreement shall be recorded by the city clerk and bind all future successors/assigns.

(2) A written design criteria package. The information included in the application may be expanded by the city's request for further clarification purposes. Said "criteria" shall include but not be limited to:

a. description of all exterior materials.

b. list of colors of all external materials.

c. specific signage criteria including colors of all signs, style and height of letters, etc.

d. list of the common names of all landscaping materials and possible substitutions.

e. description of all exterior private lighting of the building and parcel of land.

f. description of all landscape furniture, if any.

g. a minimum 8-1/2"x 11" colored rendering of the typical building design for illustration purposes.

(l) Amending the criteria. Once the design criteria (s) has been adopted by the city commission, they shall remain in full force and effect until new “criteria” may be approved by the city commission. If new criteria is established, all existing property owners/tenants shall comply with the new criteria within a reasonable time frame established by the city commission.

(m) A bond must be submitted to the city upon application for amendment to the criteria package. The bond shall be in an amount equal to the total cost of replacing the amended item based on a bona fide cost estimate prepared by a licensed architect or general contractor. The bond shall be called by the city commission only if the design items not in “conformance” with the new criteria are not removed within the one hundred and twenty (120) days after notice of noncompliance is transmitted to the property owner by certified mail.

(n) A blanket easement must be submitted to the city within thirty (30) days after a design criteria is amended. Said easement shall authorize the city to enter the property and correct all noncompliance items as addressed.

(o) Any property which has received an I-1 zoning designation and which has an approved plat of record shall be subject to the design criteria provisions set forth herein, including any parcels which have been or may be subdivided, phased or constructed under separate ownership within the same plat.

(p) Any property which has received an I-1 zoning designation and which has an approved plat of record prior to the effective date of this ordinance shall not be subject to the minimum lot size requirements set forth in Section (1) herein provided, however, that the development of such property shall be subject to all other provisions of this section.

(Ord. No. 96-5-1, § 1, 4-23-96, Ord. No. 10-5-1, § 3, 5-25-10)

Sec. 23-57. Reserved.

Sec. 23-58. P-1, Park and recreational district.

(a) *District purpose*. The P-1, park and recreational district is intended for outdoor sports and recreational activities in which the participants are actively engaged, but which may also provide entertainment for spectators. The activities for which the P-1 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 a P-1 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 arrangement of uses and facilities on the site plan of development, broad general regulations for plot size, yards, setbacks and height must be adequate for any location at which a P-1 district may be established.

(b) *Review and approval.* The review and approval of development in the P-1 district shall be subject to the following provisions.

(1) No permit shall be granted for any construction, alteration, or modification of any type in a P-1 district until, in addition to the prior approval of the building plans, the city commission shall have first approved the site development plan after having received the recommendation and report of the planning and zoning board on the proposed site development plan.

(2) The site development plan for a plot in P-1 district shall provide for such an arrangement and location of uses and facilities on the plat as to give maximum possible separation from, and protection to contiguous nearby residential property.

(c) *Permitted uses.* In the P-1 district, 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 or more of the following:

(1) Commercial amusements;

(2) Community assembly subject to the supplemental regulations in Section23-95(a);

(3) Golf course;

(4) Parks and recreation, public;

(5) Recreation, outdoor, excluding drive-in movie theaters.

(Ord. No. 06-10-3, §1, 10-24-06; Ord. No. 08-7-1, §9, 7-15-08)

(d) *Minimum lot size.* No lot in the P-1 district shall be less than ten thousand (10,000) square feet in area.

(e) *Maximum height.* No building or structure in the P-1 district shall be erected or altered to a height exceeding twenty-five (25) feet.

(f) *Minimum yards.* The minimum required width or depth of yards in the P-1 district shall be as follows:

(1) *Front yard:* Twenty-five (25) feet.

(2) *Street side yard:* Twenty-five (25) feet.

(3) *Interior side yard:* Twenty-five (25) feet.

(4) *Rear yard:* Twenty-five (25) feet.

(g) *Open space buffers.* Development along the perimeter of a P-1 site shall be subject to the following provisions.

(1) *Open areas.* No required open space, yard or setback area shall be used or developed for any purpose other than for landscaping, the minimum amount of walkways and/or driveways reasonably necessary to serve the permitted P-1 uses.

(2) *Landscaping.* All required yards and open spaces adjacent to streets and contiguous to residential property shall be planted and properly maintained with suitable planting in the form of grass, shrubs, hedges, and trees to present an attractive appearance appropriate

to the neighborhood.

(3) *Parking area.* No parking area shall be located within ten (10) feet of any residentially zoned property nor within twenty-five (25) feet of any street line.

(4) *Hedges.* No hedge or continuous planting exceeding five (5) feet in height shall be placed or maintained within ten (10) feet of any residentially zoned property.

(5) *Residential buffers.* When the nature of the activities or facilities in a P-1 district present any potential hazard or detriment to contiguous residential properties from noise, glare, odors, smoke, vibration, flying objects or traffic, protection to such contiguous residential properties shall be provided in the form of open space, fences, walls, hedges, enclosures and/or such other means as may be appropriate and effective to prevent or minimize such hazards.

(h) *Rubbish and/or garbage containers.* Adequate provision in the nature of covered rubbish and/or garbage containers shall be located on the site to meet the needs of those who utilize the facilities on the site.

Sec. 23-59. Reserved.

Sec. 23-60. M/I, Medical/Institutional district.

(a) *Purpose of district.* The purpose of the M/I, Medical/Institutional district is to accommodate the orderly development of medical institutions in order to support and enhance their benefit to the city while protecting adjacent uses. In order to ensure that access to the uses in this district is preserved and that traffic impacts on adjacent districts are minimized, it is the intention of the city that this district shall be located only within the community facility land use category of the comprehensive plan, adjacent to and with exclusive access to arterials within the city, as designated on the county's trafficways map.

(b) *Review and approval.* The review and approval of development in the M/I district shall be subject to the following provisions.

(1) Development in the M/I district shall be subject to the standards and procedures contained in chapter 24 regarding site plan review.

(2) All the uses permitted in this district shall provide adequate security, to be reviewed and approved at the time of site plan approval. Such security measures shall consider the nature and characteristics of the use and the proximity to residential uses, and may include, but not be limited to, controlled access, special lighting provisions, installation of walls and alarm systems, and limitations on hours of access.

(c) *Permitted uses.* In the M/I district, 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 or more of the following uses:

(1) Hospital;

(2) Medical office or clinic, subject to Section 23-101.1 and Section 23-104.1;

(3) Medical or dental laboratory, subject to Section 23-101.1 and Section 23-104.1;

(Ord. No. 10-5-1, §3, 5-25-10)

(4) Nursing facility;

(5) Special residential facility, type 1, 2 or 3.

(d) *Minimum site size.* No development site in the M/I district shall be less than twenty (20) acres in area.

(e) *Minimum yards.* The minimum required width or depth of yards in the M/I district shall be as follows:

(1) *Front yard:* Twenty-five (25) feet.

(2) *Street side yard:* Twenty-five (25) feet.

(3) *Interior side yard:* Twenty-five (25) feet.

(4) *Rear yard:* Twenty-five (25) feet.

(f) *Open space and buffers.* Development in the M/I district shall be subject to the following open space and buffering provisions.

(1) *Perimeter buffers.* No buildings, parking areas or structures, except as specifically provided in subsection (f)(2) below, shall be located within fifty (50) feet of a lot line abutting another zoning district. For buildings or structures in excess of forty-five (45) feet in height, an additional one (1) foot of setback from such district boundary line shall be required for every one (1) foot of height by which such building or structure exceeds forty-five (45) feet.

(2) *Open space.* At least thirty (30) percent of the parcel proposed for development shall be open space. If any portion of the parcel contains a lake or other water body, no more than fifty (50) percent of the lake or water body may be counted toward this open space requirement.

(3) *Open areas.* No required open space, yard or setback area shall be used or developed for any purpose other than for landscaping, the minimum amount of walkways and/or driveways reasonably necessary to serve the development, and boundary fences, walls and hedges.

(g) *Access.* Access to the M/I site shall conform to the following standards.

(1) No principal use shall be permitted within the M/I district unless it has direct and exclusive access to an arterial designated as such on the county's trafficways map.

(2) No driveway in the M/I district shall be located within one hundred twenty-five (125) feet of a residential zoning district boundary line.

Sec. 23-61. Reserved.

Sec. 23-62. X-1, Civic district.

(a) *Purpose of district.* The X-1 civic district is intended to be used for public and private school sites, churches, museums, recreational facilities, swimming pools, playgrounds, or any other type of recreational facility, public, private or commercial; as well as public type buildings and areas such as parks, city hall, police and fire departments, and other related municipal functions.

(b) *Permitted uses.* In the X-1 district, 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 or more of the following uses:

(1) Church or place of worship subject to the supplemental regulations in Section 23-95(a);

(Ord. No. 08-7-1, §10, 7-15-08)

(c) *Conditional uses.* In the X-1 district, 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 or more of the following uses, subject to the provisions of section 23-152, conditional use:

(1) College or university;

(2) Cultural services;

(3) Day care center;

(4) Government services;

(5) Parks and recreation, public;

(6) Recreation, outdoor;

(7) School, elementary or secondary.

(Ord. No. 08-7-1, §10, 7-15-08)

Sec. 23-63. Reserved.

Sec. 23-64. U-1, Public utilities district.

(a) *Purpose of district.* The U-1 district is intended to be used solely for the purpose of construction and operation of public utilities facilities whether publicly or privately owned.

(b) *Conditional uses.* In the U-1 district, 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 or more of the following uses, subject to the provisions of section 23-152, conditional use:

(1) Communication tower;

(2) Sewage lift or pumping station;

(3) Solid waste disposal facility;

(4) Transformer substation;

(5) Utilities, major;

(6) Water or wastewater plant, local.

Sec. 23-65. Reserved.

Sec. 23-66. Planned unit development districts generally.

(a) *Applicability.* The provisions of this section apply to all Planned Unit Development (PUD) districts. Every PUD, as defined herein, for which approval shall hereafter be sought, for either rezoning, site planning or platting, shall be governed by the provisions of this section. There are four (4) zoning categories of PUD's:

(1) PRD, Planned Residential Development District;

(2) PCD, Planned Commercial Development District;

(3) PMUD, Planned Mixed-use Development District;

(4) PID, Planned Industrial Development District.

(b) *District purpose.* The purpose of the Planned Unit Development (PUD) districts is to provide for the development of land under unified control, planned and developed as a whole in a single development operation or an approved programmed series of development operations for residential dwelling units and compatible office and commercial uses. The PUD districts should provide a means of achieving flexibility in development of land appropriate in size, mix of uses, and shape to facilitate utilization in a manner not possible in conventional zoning districts; should encourage a more imaginative and innovative design and conservation of land in developments; and should promote a more desirable living environment. Through exercise of sound and proper planning principles, a PUD district should complement surrounding property or uses thereof; should promote the health, safety, and general welfare of the public; and should not exceed achievable capacity of community utilities, facilities and services. A PUD district should accomplish the following objectives:

(1) 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.

(2) Allow diversification of uses, structures and open spaces when not in conflict with existing and permitted land uses on abutting properties.

(3) Reduce improvement costs through a more efficient use of land and a smaller network of utilities and streets than is possible through application of standards contained in conventional land development regulations.

(4) Promote and encourage development where parcels of land are suitable in size, location, and character for the uses and structures proposed and to encourage development in a uniform and coordinated manner.

(5) Include common areas and facilities with provision for maintenance and unified control through the recording of restrictive covenants which shall run with the land.

(6) Conserve the natural amenities of the land by encouraging the preservation and improvement of scenic and functional space.

(7) Provide maximum opportunity for application of innovative site planning concepts to the creation of aesthetically pleasing environments on properties of adequate size, shape and location.

(8) Insure that development will occur within the guidelines and intent of the city's comprehensive plan land use element. Planned developments should be equally adaptable to new development, redevelopment and conservation of land, water and other city resources.

(c) *Definitions.* Definitions that apply to the Planned Unit Development districts are as follows:

(1) *Comprehensive plan* means a composite of the written and graphic proposals recommending the physical, social and economic development of the city, which has been adopted by the planning and zoning board and by the city commission, as amended from time-to-time.

(2) *Gross area* means the total surface (land and water) area contained within the proposed PUD, including on-site streets and rights-of-way.

(3) *Gross density* means the density of a building site calculated by dividing the total number of dwelling units by the total acreage of the site without reduction of any nonresidential uses such as parks, waterways, shops, churches, schools, etc.

(4) *Open space* means a generally unobstructed parcel or area of land permanently dedicated or reserved for the use and enjoyment of owners and occupants of the land within a PUD. Lakes, canals, and other features may be considered as required open spaces to the extent of the limitations contained in this article.

(5) *Planned unit development* (PUD) means land under unified control, planned and developed as a whole in a single development operation or an approved programmed series of development operations for residential dwelling units and office and commercial uses. The establishment of a Community Development District in accordance with applicable laws is an acceptable method of meeting this requirement.

a. A PUD 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.

b. A PUD shall be developed according to comprehensive overall master plans which include proposed land uses, streets, utility locations, parks, open space areas, and preservation areas, intended to be located, constructed, used, and related to one another.

c. A PUD shall include a maintenance area and agreement to accommodate a program for full maintenance and operation of such areas, improvements, facilities and services for common use by the occupants of the planned unit development.

(6) *Pod,* for purposes of this section, shall refer to a parcel(s) of land which is(are) a sub-unit of a larger development or subdivision, and which is distinguished either by housing type or use, geographic features, or a separate and distinct non-profit association established for the maintenance of interior common areas.

(7) *Unified control* means all land included for purpose of development within a PUD district shall be under the control of the applicant (an individual, partnership or corporation or group of individuals, partnerships or corporations). This provision does not prevent the applicant from transferring ownership of property within the PUD at any time, subject to the regulations set forth herein. The applicant shall present satisfactory legal documents to constitute evidence of the unified control of the entire area which shall be certified by the city attorney. Upon application for rezoning the applicant shall agree as follows:

a. To proceed with the proposed development according to the provisions of this article and the applicable planned unit development master plan;

b. To provide agreements, contracts, covenants, deed restrictions and sureties acceptable to the city for completion of the development according to the plans approved at the time of rezoning to PUD and for continuing operations and maintenance of such areas, functions and facilities which are not proposed to be provided, operated or maintained at public expense; and

c. To bind their successors in title to any commitments made under the above. All agreements and evidence of unified control shall be reviewed by the city attorney and no rezoning of land to a PUD classification shall be adopted without a certification by the city attorney that such agreements and evidence of unified control meet the requirements of this article.

(d) *Permitted uses.* Permitted uses in the planned unit development districts are found in sections23-68(a), 23-70(d), 23-72(a), and 23-74(a) as they apply to each of the four PUD zoning categories respectively and as they may be amended from time to time.

(1) The amendment of this section shall not render non-conforming any Planned Unit Development (PUD) master plan and/or site plan approved prior to the effective date of this section (June 28, 2005). Redevelopment or reconstruction within any existing PUD shall be in accordance with the approved master and/or site plan as same may have been amended and approved from time to time.

(e) *Development regulations.* Development regulations for the PUD districts are as follows:

(1) *Minimum site size.* The minimum size of a PUD development shall be fifteen (15) acres provided that for PMUD district developments the minimum size of development shall be four hundred (400) acres.

(2) *Minimum lot size.* No minimum lot size shall be required within a PUD district.

(3) *Building heights.* All developments containing buildings greater than two (2) floors in height must demonstrate an acceptable method for the city's fire/rescue service to provide adequate fire protection. If adequate fire protection is not presently available in the

city, it is the responsibility of the applicant to provide the additional required fire apparatus or equipment or compensation to the city for the city to purchase the necessary equipment prior to receiving the first building permit.

(4) *Density.* The proposed density of the development shall not exceed the maximum density permitted by the city's land use plan, as may be amended and recertified from time to time.

(5) *Maximum floor area ratio (FAR).* The overall floor area ratio of multi-family and non-residential developments within a PUD shall not exceed the following:

Height of Maximum FAR building	
One story	0.40
Two stories	0.55
Three stories	0.70
Four stories	0.85
Five stories	1.00

For PMUD district developments the city commission may in its sole and exclusive discretion approve variations in the maximum FAR set forth hereinabove. Should the city commission authorize such variations the newly approved standards shall be included in the PMUD district design guidelines and be recorded in the public records of Broward County.

(6) *Minimum floor area per unit.* No dwelling unit shall be constructed or occupied in a PUD district with a gross floor area of less than the following:

a. Single-family dwelling: Twelve hundred (1,200) square feet;

b. Duplex dwelling: Twelve hundred (1,200) square feet;

c. Townhome dwelling: Nine hundred (900) square feet;

d. Multi-family dwelling:

1. Efficiency unit: Four hundred fifty (450) square feet;

2. One bedroom unit: Six hundred (600) square feet;

3. Two bedroom unit: Eight hundred (800) square feet;

4. Three bedroom unit or larger: Eleven hundred (1,100) square feet.

For PMUD district developments, the city commission may, in its sole and exclusive discretion, approve variations in the minimum floor area per unit set forth hereinabove. Should the city commission authorize such variations, the newly approved standards shall be included in the PMUD district design guidelines and be recorded in the public records of Broward County.

(7) *Off-street parking.* Off-street parking shall meet all requirements of chapter 25, article I, off-street parking and loading. In addition, there shall be at least an open space of twenty-five (25) feet minimum, between the perimeter property line or each public or private roadway, and all parking bays, interior drives, trash storage areas, loading zones, etc. In PMUD district mixed-use phases, where residential and non-residential uses are proposed within the same pod, the city commission may authorize deviations from these standards, which shall be included within the approved design guidelines for the PMUD development and recorded in the public records of Broward County.

(8) *Landscaping.* Landscaping shall meet all requirements of chapter 25, article III, landscaping, as well as including landscaping drawings for community entrances, common open space, landscaped medians, etc., to be approved by the city commission, and a swale planting master plan in accordance with the city's overall objective and approved plan. In PMUD district mixed-use phases, where residential and non-residential uses are proposed within the same pod or phase, the city commission may authorize deviations from these standards, which shall be included within the approved design guidelines for the PMUD development and recorded in the public records of Broward County.

(9) *Pedestrian circulation.* An internal pedestrian system shall be provided within the planned unit development separate from vehicular circulation systems and at a distance sufficient to ensure safety. Such pedestrian system shall be surfaced with a durable and dustless material. The city may waive this requirement, or a portion of this requirement, upon a demonstration that a pedestrian system is infeasible or undesirable in the proposed development.

(10) *Energy conservation.* A planned unit development shall incorporate passive energy conservation measures in its site design. Such measures shall include, but need not be limited to, the directional orientation of buildings, the location of window overhangs, minimization of radiant heat absorption and the inclusion of energy-efficient landscaping.

(11) *Open space.*

a. *Percent of site area.* There shall be provided on the site an area of open space, as further defined in subsection (11)b. below, equal to not less than forty (40) percent of the area of a PRD development and thirty (30) percent of the area of a PCD, PMUD, or PID development. If an application is for more than one PUD category, the city commission may allow excess open space on one category to be transferred to another category, provided the applicant provides adequate perimeter buffers. Development in PMUD districts may deviate from the open space requirements set forth herein within individual pods, provided however, that the overall development meets the open space requirement and that in no case shall open space provided within an individual pod be less than fifty (50) percent of the amount that would be required if the overall open space ratio were applied to the individual pod and all preceding pods, and shall be determined as part of the conceptual design guidelines.

b. *Eligible areas.* Areas that may be counted toward the open space requirement of subsection (11)a. above shall meet the following requirements:

1. *Generally.* Open space areas shall consist of a parcel or parcels of land that are open and undeveloped except as provided herein, and are designed and intended for the use, enjoyment and access by all residents or users of the PUD.

2. *Permitted structures.* Open space areas may contain such complementary structures and improvements as are necessary and appropriate for the benefit and enjoyment of residents or users of the PUD. This definition shall include, but not be limited to, such items as landscaped entrances, greenbelts, decorative fountains, gazebos, shelters, walkways, sidewalks, pedestrian ways, bicycle paths, trails, recreation buildings, open recreation areas, golf courses, pools and picnic areas.

c. *Water area open space credit.* Water area open space credit in the planned unit development district shall be as follows:

Average Width / % Area Credit

Greater than 100 ft. / 50

60 ft. to 100 ft. / 25

Less than 60 ft. / 0

1. Manmade water bodies may not be counted toward meeting more than forty (40) percent of the total open space requirement.

2. If the water body is natural and the shoreline vegetation will not be disturbed by the development, one hundred (100) percent of the area contained therein may be counted as open space.

3. When recreational facilities are provided to allow residents to actively utilize the waterbody, the percentages in this subsection of the surface area of such waterbodies may be doubled, at the discretion of the city commission, to be counted toward the open space requirement.

d. *Preservation of natural habitats.* If natural animal and/or plant habitats of significant value are determined to exist on the site of a proposed PUD, the city commission may require that the PUD plan preserve such areas in a natural state and adequately protect them as open space preserves or passive recreation areas. One hundred (100) percent of such area contained therein may be counted as open space.

(12) *Public access.* Each dwelling unit or other permitted use shall have access to a public street either directly or indirectly via a private approach road, pedestrian way, court or other area dedicated by common easement guaranteeing access. Permitted uses are not necessarily required to front on a dedicated road. The city shall be allowed access on privately owned roadways, easements and common open space to ensure the police and fire protection of the area, to meet emergency needs, to conduct city services and the services of the exclusive franchises and to generally ensure the health and safety of the residents of the PUD.

(13) *Required setbacks and yards:*

a. A setback of not less than twenty-five (25) feet in depth abutting all public road rights-of-way, and exclusive of perimeter buffers, within or adjacent to a PUD.

b. A setback of not less than twenty-five (25) feet shall be required next to the boundary of a PUD. A setback of not less than fifteen (15) feet shall be required next to the boundary of a PUD that borders a one hundred-foot canal right-of-way or easement. No portion of such setback may be used for buildings, parking or other vehicular use area except for accessways. Perimeter lots are required to maintain lot depths exclusive of the buffer. The required twenty-five foot or fifteen foot perimeter PUD setbacks shall include landscaped buffers in accordance with open space landscaping requirements. Fences or walls may not be installed any closer than fifteen (15) feet from the right-of-way. A fifteen-foot roadway buffer is required along the ultimate right-of-way line of roads classified as minor collectors and greater.

c. Setbacks, distance between buildings, and other applicable site development regulations shall conform to the standards contained in the design development standards required by section 23-66(j)(2).

d. For PMUD Districts, in the event of a conflict between the provisions of this section and the design guidelines approved by the city commission, the design guidelines shall prevail.

(14) *Underground utilities:* All utilities within PUDs, 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. The developer shall provide adequate landscaping with shrubs and plants to screen all utility facilities permitted above ground.

(15) All commercial development within a PUD shall meet the minimum distance between buildings and be separated from parking and/or vehicular circulation areas by a minimum of ten (10) feet of landscape area. (Sidewalks, structures and other hardscape surfaces are not permitted in this ten (10) feet). This landscape area shall be outside of all buildings, roof overhangs, and support columns. This landscape area and the required landscape material within may not be required where a section of building is proposed and approved for loading and unloading, delivery through roll up doors, and/or other utility area as approved through the site plan process. For PMUD district developments, the city commission may, in its sole and exclusive discretion, approve variations in this 10 foot landscape standard set forth hereinabove for those pods containing both residential and non-residential uses. Should the city commission authorize such variations, the newly approved standards shall be included in the PMUD district design guidelines and be recorded in the public records of Broward County.

(f) *Maintenance of common open space.* Any common open space not dedicated to the city or other governmental entity shall conform to its intended purpose and remain as shown in the PUD development plan. Deed restrictions and/or covenants shall govern the maintenance of privately owned common open space. Such restrictions and covenants shall provide for privately owned common open space to be maintained by private property owners with an interest in such open space. Required maintenance standards and/or maintenance activities shall be included in the deed restrictions and/or covenants. The deed restrictions and/or covenants shall provide for the city to assess private property owners with an interest in common open space for the cost of maintenance if inadequate private maintenance results in a public nuisance. Deed restrictions and covenants shall run with the land and be for the benefit of present as well as future property owners.

(g) *Common open space and improvements.* All common open space as well as public and recreation facilities shall be specifically

included in the planned unit development plan and be constructed and fully improved by the developer. Common open space and improvements including private or public parks, pools, recreation centers, or other facilities shall be constructed in conjunction with residential dwellings. Such facilities shall be completed at a rate equal to that which is capable of serving the number of completed residential units in the PUD. The PUD conceptual master plan shall specify the location and scope of common area improvements. The improvements must be backed by performance bonds issued to the city in a form and quantity acceptable to the city attorney and growth management director respectively, prior to the issuance of the first residential permits.

The improvements shall be complete prior to the first certificate of occupancy for which the improvements are associated as identified and approved by the city commission during the site plan process. However, the city commission may permit up to twenty-five (25) percent of the associated phase of development, if requested, during the site plan process. Improvements may be completed in phases as long as the capacity of the improvement is capable of serving the associated phase of development.

(h) *Limitations applying to commercial uses.* No certificates of occupancy shall be issued for commercial uses in a PUD that are so designated by the city using the five percent residential to commercial land use flexibility rule until certificates of occupancy for no less than seventy-five (75) percent of the total number of residential units have been issued.

(i) *Rezoning to PUD.* The procedure for rezoning to any of the PUD districts shall be as set forth in section 23-151, as modified by the following:

The planning and zoning board and city commission shall give special consideration to the following matters and requirements, and permit changes in the rezoning application prior to the required public hearings in accordance with the provisions of this section.

(1) *Pre-Submittal conferences.* Upon request by the applicant, representatives of the growth management department shall meet with the applicant to review a required PUD conceptual master plan. The purpose of pre-submittal conferences shall be to provide information to assist the applicant in interpreting the PUD zoning requirements. Pre-submittal conferences shall continue until the applicant has a complete PUD rezoning plan ready for submission with a rezoning application. The PUD conceptual master plan shall include the following:

a. A boundary map of the proposed PUD;

b. The proposed pattern of land use;

c. The proposed number and type of dwelling units and densities. The proposed development type shall be specific to include high rise, low rise, townhouse, garden apartment, affordable, standard single-family zero lot line, single family cluster including density ranges and minimum lot sizes and identifying non-residential uses proposed;

d. Proposed streets and circulation and whether public or privately maintained and/or proposed as a secure gated project;

e. Proposed open spaces;

f. An outline of the petition for rezoning;

g. Other plans, maps and documents deemed necessary for pre-submittal conferences such as surveys and plats (if applicable), aerial photographs, etc.

(2) *Development Review Committee.* At such time as further pre-submittal conferences appear unnecessary, the applicant may present a formal petition for PUD zoning as set forth in this section. The petition shall be accompanied by the materials set forth in section 23-66(j). A meeting date shall be established for the next regularly scheduled Development Review Committee (DRC) meeting.

The DRC shall review the application, master plan and other supporting material required in section 23-66(j) for compliance with code requirements and shall prepare a report detailing the (non) compliance with the standards of this section and other applicable provisions of the code.

The report shall immediately after preparation be forwarded to the applicant who shall then respond to the compliance comments by revising the application, master plan and supporting documentation to comply with the DRC report.

A written response shall accompany the resubmittal which shall demonstrate how and where on the plans each of the DRC comments have been addressed.

The revised application shall then be resubmitted to the DRC who shall then review the revised application to ensure that all comments have been addressed. Upon satisfactory determination that all DRC comments have been adequately addressed, the rezoning petition shall then be scheduled for the next available, regularly scheduled planning and zoning board meeting at a public hearing with proper public notice given, in the same manner as for other applications for rezoning.

(3) *Planning & Zoning Board Review:* After receipt of the application for PUD zoning, and the report of the DRC and the growth management director, the planning and zoning board shall conduct a review of the application at a public hearing.

After the close of the public hearing, the planning and zoning board may recommend to the city commission that the PUD rezoning be granted as submitted, granted subject to stated stipulations and conditions, or denied. In making its recommendation, the planning and zoning board shall find that the plans, maps, and documents submitted by the applicant and presented at the public hearing do or do not establish that: (1) the applicant has met the requirements of this article, and (2) the proposed development would or would not promote the public health, safety and welfare.

(4) *City commission action.* The city commission shall, after due consideration, enact or deny PUD zoning for the subject property. The ordinance enacting PUD zoning shall specifically incorporate the PUD master plan which shall consist of submissions (a) through (s) of the application as listed in section 23-66(j)(2). Upon receipt of the planning and zoning board recommendation, the city commission shall act in accordance with the procedures for rezoning generally.

(5) *Effect of PUD zoning.* Subsequent to the enactment of PUD zoning, development of all or a portion of the PUD shall proceed in accordance with the site plan review and subdivision approval provisions of chapter 24 of the Land Development Code. Site plan approval and subdivision approval shall be granted only for developments which conform to the submissions incorporated into the PUD ordinance in accordance with subsection (6) of this section, except that the provisions of subsection (2) of this section shall apply.

(6) *Applications for rezoning and/or amendments to the PUD*requiring action by the planning and zoning board and the city commission shall pay the required fee as adopted under the growth management department's fee schedule. Applicants shall be required to prepare and post a four-foot by four-foot sign on the property proposed for amendment. The sign shall be installed fourteen (14) days prior to the public hearing and shall contain the following language:

A public hearing concerning the amendment of the PUD zoning of this property will be held by the planning and zoning board of the City of Cooper at (time, place, and date). Call (954)434-4300 for information.

Signs shall be posted on the property proposed for amendment facing all road frontages setback ten (10) feet from the property line. A dated photograph of all signs shall be submitted to the development services department by the applicant.

The applicant shall also be required to obtain a list of all property owners within five hundred (500) feet of the boundary lines of the property under consideration. Two sets of gummed mailing labels must be provided for all adjacent property owners. The list shall be certified by the county property appraiser and abstract or title company, or an attorney.

(7) *Minor Deviations.* Site plan approval and subdivision approval may be granted for developments which deviate from the enacted PUD conceptual master plan if all of the following criteria are met:

a. The deviations do not increase the total number of residential units or the total nonresidential floor area of the development.

b. The deviations do not increase the total number of residential units or the nonresidential floor area of any PUD land use pod by more than ten (10) percent.

c. The deviations do not increase the amount of average daily traffic and peak hour traffic feed into a specific arterial road by more than twenty (20) percent.

d. The deviations do not substantially alter the size and location of land use pods, streets or other significant development features. Pods may be aggregated in size, if all of the following conditions are met: (1) the total of the sum of both pods are not increased by ten (10) percent, and (2) the development type remains the same. Pods may not be decreased in size if: (1) the density range is exceeded, and/or (2) the development type is changed to a higher density project.

e. The deviations do not substantially alter the nature or effect of maintenance agreements.

f. The deviations do not change the type of residential unit from single-family to multi-family.

For PMUD Districts, an updated conceptual plan and conceptual design guidelines shall be provided to the city, approved by resolution of the city commission, and recorded in the public records of Broward County.

(8) *Major deviations.* In the event that the city commission determines that a requested change or deviation for the approved site development plan does not comply with the provisions of this section or with the intent and purpose of the original PUD conceptual master plan approval, the applicant shall be required to submit an amended PUD application in accordance with the provisions of section 23-66(i). For PMUD District developments, a major change shall include a modification of the proposed use for a pod or phase (for example, from residential to commercial or vice versa), major roadway realignment modifications, or any change in excess of the thresholds set for in subsection (7), above.

(j) *Information required with PUD rezoning petition.* In addition to information generally required for an application to rezone, the applicant shall submit the following materials or data in the form of a petition for PUD rezoning:

(1) *Legal documents demonstrating unified control of the proposed PUD.*

(2) *Planned unit development master plan and supporting information.* The planned unit development master plan shall, at a minimum, consist of items (a) through (j) below. The supporting information shall, at a minimum, consist of items (k) through (s) below. The plan and supporting information shall be set forth as written descriptions and maps, reproduced and bound in two (2) separate reports not to exceed eleven (11) inches by seventeen (17) inches in size.

a. Title of project and the name of the professionals preparing the submission.

b. Identification of the developer.

c. Overall PUD master plan. The overall PUD plan shall show the proposed PUD divided into land use pods.

A different land use pod shall be shown for: (1) each type of residential use by density and housing, i.e. affordable, high rise, low rise, townhouse, garden apartment, standard single-family, single-family zero lot line, single-family cluster including density ranges and minimum lot sizes including minimum lot width and depth, (2) for each type of office, commercial and other nonresidential land use and vertically-mixed uses, (3) for each type of open space, (4) for community facility areas, and (5) for each type of other land use.

d. Overall PUD circulation plan. The overall circulation plan shall show: (1) right-of-way widths for collector and arterial streets which serve more than one (1) land use pod either directly or indirectly, (2) right-of-way widths for all streets which connect directly with streets outside of the PUD, (3) right-of-way widths for major pedestrian, bicycle and other non-motor vehicle circulation ways which serve more than one (1) land use pod, and (4) whether the roads that serve the lots will be publicly or privately maintained.

e. Residential program. The residential program shall specify the following data for each land use pod: (1) the land area of the pod, (2) the predominant housing type of the pod, (3) the number of different types of residential units (efficiency, one-bedroom, two-bedroom, three-bedroom, four-bedroom and larger units), (4) the projected population for each land use pod by age group, and (5) the total number of off-street parking spaces for the pod.

f. Office and commercial program. The office and commercial program shall specify the following information for each land use pod: (1) the land area of the pod, (2) the predominant office and/or commercial uses to be included in the pod, (3) the amount of floor area to be devoted to each different type of office and commercial use, (4) the total number of off-street parking spaces for the pod, and (5) any vertically-mixed uses proposed.

g. Open space and recreation program. The open space and recreation program shall specify the following information for each land use pod: (1) the land area of the pod, (2) the predominant open space type of the pod, (3) the recreation facilities to be included within the pod, and (4) the total number of off-street parking spaces for the pod.

h. Overall PUD utilities plan. The overall PUD utilities plan shall show the locations, sizes and direction of slope for major water and wastewater mains within the PUD and necessary connections to mains outside of the PUD.

i. Overall PUD drainage plan. The overall PUD drainage plan shall show drainage courses and retention areas which will serve more than one (1) parcel within the PUD.

j. Design guidelines for the PUD. Design guidelines shall include the following:

1. Typical development plans and standards for streets, pedestrian ways, bicycle paths and other circulation elements. Plans and standards should include right-of-way and pavement widths, cross sections, intersection geometry, lighting, and landscaping.

2. Typical development plans and standards for each type of residential unit, including floor plans and elevations;

3. Typical development plans and standards for the placement of each type of residential unit in relation to the boundaries of the PUD, property lines within the PUD, other residential and nonresidential structures within the PUD, and parking areas within the PUD;

4. Typical development plans and standards for the placement of each nonresidential structure in relation to the boundaries of the PUD, property lines within the PUD, other residential and nonresidential structures within the PUD, and parking areas within the PUD;

5. Typical development plans and standards for the improvement of open areas, canals and water bodies;

6. Typical development plans and standards for the placement of parking areas in relation to the boundaries of the PUD, property lines within the PUD, and residential and nonresidential structures within the PUD;

7. Covenants and restrictions applicable to each piece of property within the PUD.

8. Proposed setbacks for each land use type.

k. A map showing the existing plan and zoning designations for all land within one-quarter mile of the PUD.

l. Map and narrative explanations of the relationship of the proposed PUD to the city comprehensive plan and the county land use plan map.

m. Map and narrative analyses of natural features and geographic determinants. The analyses shall show the location and nature of significant natural and manmade features on and near the site. Features considered shall include existing vegetation, topography, watercourses, streets and rights-of-way, easements, structures, soils (series) and others as necessary.

n. An analysis of the traffic impact of the PUD on existing and proposed streets.

o. An analysis of the fiscal impact of the PUD on the city.

p. A map showing land within the PUD to be dedicated to the city.

q. A boundary map showing the perimeter of the PUD with dimensions and a full legal description.

r. A location map showing the PUD in relation to streets and development within five (5) miles of the boundary of the PUD.

s. A map showing size and location of maintenance areas as required by section 23-66(f).

(k) *Lapse of approval.*

(1) The site development plan for any lands within a PUD which remain vacant shall lapse and be of no further force and effect under the following conditions:

If the plat for any phase or parcel is not properly recorded in Broward County public records pursuant of chapter 24 and Broward County charter within twelve (12) months from the date of approval of the PUD rezoning; or

If no construction has commenced in the PUD within nine (9) months after the plat has been recorded; or

If no more than twenty-five (25) percent of the overall development or the first phase has not been completed within thirty-six (36) months of the date of approval of the PUD rezoning.

(2) If a site development plan lapses under the provisions of this section, the city shall initiate a petition to rezone the undeveloped portions to the A-1, agricultural district.

(3) If the developer expects to exceed or does exceed the time limits established in subsection 23-66(k)(1), the developer may, prior to the expiration date, apply to the city for an extension of time. The request for an extension of time shall be accompanied by a nonrefundable fee in an amount established by resolution of the city commission and a written statement of the reasons for requesting the extension. The planning and zoning board shall evaluate the request for an extension and make a recommendation to the city commission. The city commission shall consider the request along with the planning and zoning board's recommendation and take action on the application by approving, approving with conditions or denying the request.

(4) *Phasing standards.*

a. *General.* PUDs that are to be developed in phases or stages shall be required to provide open space, other amenities and infrastructure at the same time or before the construction of principal buildings and structures associated with individual phases. The nature, type and amount of such improvements provided during an individual phase of the project shall be commensurate with and proportionate to the overall development of the phase, and in no case shall open space provided during an individual pod of a PUD be less than fifty (50) percent of the amount that would be required if the overall open space ratio were applied to the individual pod and all preceding pods. Phases and stages of construction within the PMUD shall be included in the design guidelines.

b. *Residential development.* All common open space as well as public and recreational facilities shall be specifically included in the development plan schedule and be constructed and fully improved by the developer at an equivalent or greater rate than the construction of residential structures. At least once every six (6) months, the building department shall inspect the planned unit development and examine the construction which has taken place on the site. If the rate of construction of dwelling units is greater than the rate at which common open spaces and recreational facilities have been constructed and provided, no permits shall be issued until the proper ratio has

been provided.

(5) *Preservation options.* All common open space shall be preserved for its intended purpose as expressed in the site development plan. The developer shall choose one or a combination of the following methods of administering common open space with final approval by the city commission upon recommendation of the planning and zoning board.

a. *Public dedication to the city or county of the common open space.* This method is subject to formal acceptance by the city or county in its sole discretion.

b. Conveyed to a duly-created Homeowners' Association, a Community Development District or 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 to ensure the maintenance of all common open space.

(6) *Nonprofit association.* In PUD developments, the developer shall establish a nonprofit association to administer common open space and the on-going maintenance thereof. Said association shall conform to the following requirements:

a. The developer shall establish, by charter, the association or non-profit corporation prior to the recording of any plat/site plan.

b. Membership in the association or nonprofit corporation shall be mandatory for all property owners within the planned unit development, and said association or corporation shall not discriminate in its members or shareholders.

c. The association or nonprofit corporation shall manage all common open space and recreational and cultural facilities which are not dedicated to the public; shall provide for the maintenance, administration and operation of said land and any other land within the planned unit development not publicly or privately owned; and shall secure and show evidence of adequate liability insurance on the land.

d. Prior to the developer turning over the open space and other facilities to the association for their administration, the developer shall submit an audited report of the previous years operating and maintenance expenses.

1. Fifty (50) percent of the previous year's actual expenses shall be placed by the developer in the association's attorney's escrow account for the purpose of providing capital to offset any differential costs incurred by the association between the first year's total membership dues and the actual operating expenditures.

2. For the purpose of this section, membership dues shall mean the annual membership dues required to be paid by the total existing homeowners belonging to the association.

3. Ninety (90) days after the end of the association's first operating year, the developer is entitled to receive the remaining balance of the escrow account.

e. In lieu of the nonprofit association described hereinabove, the developer may request that the city commission, in its sole and exclusive discretion, authorize and establish a Community Development District in accordance with Chapter 190, Florida Statutes.

(7) *Community Development District.* Should the city establish a Community Development District (CDD), in accordance with Chapter 190, Florida Statutes, all real property and infrastructure owned and maintained by the CDD shall be subject to the requirements of Chapter 190, the city ordinance establishing the CDD, and any agreement executed by and between the city and said CDD.

(8) *Deed restrictions.* All privately-owned, common open space shall conform to its intended use and remain as expressed in the site development plan through the inclusion in all deeds of appropriate covenants. Said deed restrictions shall run with the land and be for the benefit of present as well as future property owners.

(9) *Relationship to park land dedication.* The specific minimum amount of open space required to be dedicated, or fees in lieu of, to the city shall be in accordance with chapter 22, article III, park land dedication requirements. The city commission may permit private recreational areas to satisfy park requirements.

(l) *Professional Services Required.* Any master plan of development submitted as part of a petition for a PUD shall certify that the services of two (2) or more of the following professionals were utilized in the design or planning process:

(1) A planner who possesses the education and experience to qualify for full membership in the American Institute of Certified Planners.

(2) A landscape architect registered by the State of Florida.

(3) An architect licensed by the State of Florida.

(4) A professional engineer registered by the State of Florida, and trained in the field of civil engineering.

(5) A land surveyor registered by the State of Florida.

(m) *Issuance of building permits for PUD districts.*

(1) No building permit shall be issued in or for development in a PUD district except in conformity with all provisions of the rezoning to PUD classification and plans submitted under this article.

(2) The building official may issue building permits only after a final plat has been approved by the city commission. No certificate of occupancy shall be issued, however, until all improvements have been completed, as set forth in the development order, and the final plat has been recorded. The completion of common open space and improvements in PMUD Districts shall be governed by section 23-70(f) of this code.

(Ord. No. 05-06-01; §2, 6-28-05)

Sec. 23-67. Reserved.

Sec. 23-68. PRD, Planned residential development district.

(a) *Permitted uses.* In the PRD district, 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 or more of the following uses:

(1) Church or place of worship, provided that no such use shall be located on a lot having less than forty thousand (40,000) square feet of lot area and two hundred (200) feet of street frontage;

(2) Community assembly;

(3) Dwelling, duplex;

(4) Dwelling, multi-family;

(5) Dwelling, single-family;

(6) Dwelling, townhouse;

(7) Golf course;

(8) Parks and recreation, public;

(9) Special residential facility, type 1, subject to section 23-109;

(10) Special residential facility, type 2, subject to section 23-109.

(11) Governmental services, as defined in section 21-8 of this code.

(Ord. No. 00-5-3, § 1, 5-23-00)

(b) *Maximum height.* No building in the PRD district shall exceed four (4) stories, provided that five (5) stories shall be permitted if the first story is used for parking, and further provided that no building or structure in the PRD district shall exceed fifty (50) feet in height.

(c) *Minimum yards.* The required minimum width or depth of yards in the PRD district shall be as follows:

(1) *Front yard:* Twenty-five (25) feet or as required by subsection (d)(2), perimeter setback, whichever is greater.

(2) *Street side yard:* Twenty-five (25) feet, provided that fifteen (15) feet shall be required on single-family lots or as required by subsection (d)(2), perimeter setback, whichever is greater.

(3) *Interior side yard:* None required, subject to subsection (d)(1), perimeter setback and (e)(1), side separation, and further provided that a lot used for a single-family dwelling shall be subject to one of the following:

a. One wall of the principal building shall be constructed directly adjacent to the interior side lot line and a five (5) foot wide maintenance easement shall be placed on the adjacent lot along the common lot line; or

b. An interior side yard with a minimum width of seven and one-half (7½) feet shall be provided.

(4) *Rear yard:* None required, subject to subsection (d)(1) perimeter setback and (e)(2), rear separation.

(d) *Perimeter setback.*

(1) No building in the PRD district shall be located within the following distance of a common property lines with another zoning district or a PRD zoning district adopted by separate ordinance.

Building Height	***Minimum setback***
1 story	20 feet
2 stories	25 feet
3 stories	35 feet
4 stories	50 feet
5 stories	70 feet

(2) No building in the PRD district shall be located within the following distance of an adjacent public right-of-way separating the district from another zoning district or a PRD zoning district adopted by separate ordinance.

Right-of-way width	***Minimum setback***
0 feet to 60 feet	25 feet
61 feet to 90 feet	40 feet
91 feet or greater	60 feet

(e) *Minimum distance between adjacent buildings.* Buildings in a PRD district shall be separated from adjacent buildings in the same PRD district, regardless of the location of lot lines, according to the following provisions. The outside wall of each story of a building shall be the minimum horizontal distance from the outside wall, or vertical extension thereof, of each story of an adjacent building as specified in the following provisions. Notwithstanding the above, in the case of a partial story whose floor does not extend to the adjacent outside wall, the measurement shall be made to the edge of the floor surface of such partial story closest to the adjacent outside wall.

(1) *Side separation*. The minimum distances separating each story of two (2) adjacent buildings oriented so that the side walls of the two (2) buildings face each other shall be determined in accordance with the following chart.

Building "A"	Building "B"				
	First Story	Sec'd Story	Third Story	Fourth Story	Fifth Story
First Story	15 feet	17 feet	23 feet	27 feet	31 feet
Second Story	17 feet	19 feet	27 feet	31 feet	35 feet
Third Story	23 feet	27 feet	31 feet	35 feet	39 feet
Fourth Story	27 feet	31 feet	35 feet	39 feet	41 feet
Fifth Story	31 feet	35 feet	39 feet	41 feet	45 feet

(2) *Rear separation.* The minimum distances separating each story of two (2) adjacent buildings oriented so that the rear walls of the two (2) buildings face each other shall be determined in accordance with the following chart.

Building "A"	Building "B"				
	First Story	Sec'd Story	Third Story	Fourth Story	Fifth Story
First Story	40 feet	45 feet	55 feet	75 feet	90 feet
Second Story	45 feet	50 feet	60 feet	80 feet	105 feet
Third Story	55 feet	60 feet	70 feet	90 feet	120 feet
Fourth Story	75 feet	80 feet	90 feet	100 feet	130 feet
Fifth Story	90 feet	105 feet	120 feet	130 feet	140 feet

(f) *Building dimensions.* No building in the PRD district shall have a horizontal dimension in any direction that exceeds five hundred (500) feet.

Sec. 23-69. Reserved.

Sec. 23-70. PMUD, Planned mixed-use development district.

(a) *Applicability.* The provisions of this section apply to all Planned Mixed Use Development Districts comprised of a minimum of 400 acres of land controlled by a single landowner at the time of application submittal.

(b) *District Purpose.* The purpose of the Planned Mixed-Use Development District ("PMUD") is to provide a means of achieving flexibility in the development of land appropriate in size and shape to facilitate utilization in a manner not generally feasible in a conventional zoning district. The PMUD is designed to create a community whose central focus is to encourage neighborhood values known for diversity of recreation, family entertainment, limited commercial and retail uses. Through the exercise of sound and proper planning principles, a PMUD should not be detrimental to surrounding property, or the health, safety, and general welfare. Instead a PMUD should accomplish the following objectives:

(1) Include a mix of uses to comprise residential, commercial, office, retail, recreational, and institutional either separately, or comingled within a particular portion of the site, such as a town center.

(2) Encourage diversification of uses, structures and open spaces not in conflict with existing and permitted land uses on abutting properties while creating a variety of social and recreational amenities serviced through an interconnected network of streets designed to encourage walking, reduce automobile traffic, and protect open space.

(c) *Mix of land uses.* The portion of a PMUD devoted to nonresidential uses shall not be more than twenty (20) percent of the total gross acres within the PMUD, with no more than ten (10) percent of the total gross acres in the PMUD devoted to business, retail, and other commercial uses.

(d) *Permitted uses.* In the PMUD District, 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 or more of the following uses:

(1) Alcohol sales or service;

(2) Bank;

(3) Community assembly, subject to the provisions of Section23-95(b) of this Code;

(4) Cultural services;

(5) Day care center;

(6) Dwelling, duplex;

(7) Dwelling, multi-family;

(8) Dwelling, single-family;

(9) Dwelling, townhouse;

(Ord. No. 08-7-1, §11, 7-15-08)

(10) Drug store/pharmacy, subject to section 23-104.1;

(11) Golf course;

(12) Government services;

(13) Hotel or motel, provided that the floor area devoted to hotel or motel use shall be calculated as part of the total commercial floor area allowed, and that for the purposes of calculating permitted density each hotel/ motel unit shall be counted as one-half (1/2) dwelling unit on property with a residential land use designation and zero on property with a commercial land use designation;

(14) Laundry, provided that dry cleaning shall be subject to the provisions of section 23-97 of this Code;

(15) Medical office or clinic, subject to Section 101.1 and Section 23-104.1;

(Ord. No. 10-5-1, §3, 5-25-10)

(16) Movie theatre; performing arts;

(17) Office, business or professional;

(18) Parks and recreation, public;

(19) Personal care services, provided that dry cleaning shall be subject to the provisions of section 23-97 of this code;

(20) Personal improvement services;

(21) Recreation, indoor;

(22) Recreation, outdoor;

(23) Repair, small appliance;

(24) Research and development;

(25) Restaurant, fast food;

(26) Restaurant, general;

(27) Retail, community;

(28) Retail, general;

(29) Retail, neighborhood;

(30) Schools, public or private, subject to the provisions of section 23-96 of this code;

(31) Service station, subject to the provisions of section 23-52 of this code;

(32) Special residential facility, type 1, subject to section 23-109 of this code;

(33) Special residential facility, type 2, subject to section 23-109 of this code;

(34) Special residential facility, type 3, subject to section 23-109 of this code;

(35) Utilities;

(36) Veterinarian, subject to the provisions of section 23-113 of this code.

(e) *Conditional* uses. The following uses may be permitted in the PMUD, Planned mixed- use development district, subject to the provisions of Section 23-152:

(1) Tattoo parlor, subject to a minimum 1,000 foot separation between the tattoo parlor and another such use. Measurement of the 1,000 feet shall be by an actual or imaginary straight line upon the ground or in the air, from the property line of the lot on which the proposed tattoo parlor will be located to the nearest property line of the lot on which exists any other tattoo parlor.

(Ord. No. 15-3-1, § 2, 3-10-15)

(f) *Water area open space credit.* Water area open space credit in the PMUD District shall be provided per section 23-66(e)(11)c.; provided, however, that wetlands mitigation areas shall count for no more than fifty (50%) percent of their total area towards the required open space credit.

(g) *Common open space and improvements.* All common open space as well as public and recreation facilities shall be specifically included in the PMUD Conceptual Design Guidelines and be constructed and fully improved by the developer. Common open space and improvements including private or public parks, pools, recreation centers, or other facilities shall be constructed in conjunction with residential dwellings. Such facilities shall be completed at a rate equal to that which is capable of serving the number of residential units within the PMUD. The PMUD Rezoning Conceptual Master Plan shall specify the location and scope of the common area improvements.

The improvements shall be complete prior to the issuance of Certificates of Occupancy (C.O.) for fifty (50%) percent of the dwelling units within the associated pod or sub-pod of the development. Improvements may be completed in phases as long as the capacity of the improvements is capable of serving the associated pod or sub-pod of development.

(h) *Maximum height.* No building in the PMUD District shall exceed five (5) stories with a height not to exceed seventy (70') feet from finished floor elevation. Building heights within the PMUD shall be set forth in the Conceptual Design Guidelines referenced herein and shall be separated and defined by type of use as follows:

(1) Type of Use: Mean height from finished floor elevation:

a. Single Family

1. Zero Lot 35'

2. Front Load 35'

3. Side Load 35'

b. Townhouse

1. Front Load 35'

2. Alley Load 35'

c. Multi-family 70'

d. Town Center (vertically-mixed uses) 70'

e. Commercial, adjacent to and integrated into a Town Center 70'

f. Commercial, other than within or adjacent to a Town Center 45'

(2) Exclusions to height restrictions

a. Church spires;

b. Tanks;

c. Water towers;

d. Stage towers or scenery lofts;

e. Cooling towers;

f. Ornamental towers and spires;

g. Chimneys;

h. Elevator bulkheads;

i. Aircraft navigation aids;

j. Parapet screening mechanical equipment.

These structures may exceed height of district by 25%. The City Commission, in its sole discretion, may approve variations to this 25% height restriction.

(i) *Building setback/separation.* Minimum building setbacks within the PMUD shall be as set forth in the Conceptual Design Guidelines referenced herein and shall be separated and defined by type of use as follows:

(1) Single Family

a. Front Load Garage:

1. Front Setback: 20'

2. Rear Setback: 10'

3. Side Setback: 7'-6"

4. Street Side Setback: 15'

b. Side Load Garage:

1. Front Setback: 15'

2. Rear Setback: 10'

3. Side Setback: 7'-6"

4. Street Side Setback: 15'

c. Zero Lot - Front Load Garage:

1. Front Setback: 20'

2. Rear Setback: 10'

3. Side Setback: 10'/0'

4. Street Side Setback: 15'

d. Zero Lot - Side Load Garage:

1. Front Setback: 15'

2. Rear Setback: 10'

3. Side Setback: 10'/0'

4. Street Side Setback: 15'

(2) Townhouse

a. Front Load Garage:

1. Front Setback: 20'

2. Rear Setback: 20'

3. Side Setback: 15'

4. Street Side Setback: 15'

5. Building Separation: 25'

b. Alley Load Garage:

1. Front Setback: 15'

2. Rear Setback: 20'

3. Side Setback: 15'

4. Street Side Setback: 15'

5. Building Separation: 25'

(3) Multi-family:

a. Minimum building separation: 25'

b. Right of way setback: 25'

c. Peripheral and side setbacks: 25'

(4) Commercial, adjacent to and integrated into a Town Center:

a. Adjacent to an arterial street: 25'

b. Adjacent to a collector street: 0'

c. Interior setback: 0'

d. Adjacent to a residential lot or parcel: 10'

(5) Commercial, other than within or adjacent to a Town Center exclusive of and in addition to required landscape buffers 25'

(6) Town Center:

a. Adjacent to an arterial street exclusive of and in addition to required landscape buffer: 25'

b. Adjacent to a collector street: 0'

c. Interior setback: 0'

d. Adjacent to a residential lot or parcel: 10'

(j) *Commercial building limitations*. Only one building may be constructed on a single commercial parcel.

(k) *Building dimensions*. Minimum and maximum building dimensions within the PMUD shall be set forth in the Conceptual Design Guidelines referenced herein and consistent with minimum floor area standards required in section 23-66(e)6. Said dimensions shall be separated and defined by type of use as follows:

(1) Single Family - Front Load

(2) Single Family - Side Load

(3) Zero Lot - Front Load

(4) Zero Lot - Side Load

(5) Townhouse

(6) Multi-family

(7) Commercial, adjacent to and integrated into a Town Center

(8) Commercial, other than adjacent to a Town Center

(9) Town Center (vertically-mixed uses).

(l) *Loading requirements*. Loading requirements shall be in accordance with section25-7.

(m) *Parking requirements*. Parking requirements shall be in accordance with section25-4, except as provided for in subsection (p)(6) hereof.

(n) *Perimeter buffer*. Perimeter buffer shall be a minimum of forty-five feet (45') in width, including easements and waterways and shall be dedicated as a landscape easement exclusive of fee-simple lots. The City Commission in it sole discretion may approve variations to this regulation.

(o) *Waterway widths*. Waterway widths shall be a minimum of 50 feet. The City Commission in its sole discretion may approve variations to this regulation.

(p) *Minimum lot size* shall be provided with the following standards:

Type of use: Minimum Lot Size (sq. ft.):

(1) Single Family 6500

(2) Zero Lot 6000

(3) Townhouse (Front-load) 3200

(4) Townhouse (Alley-load) 3200

(5) Multi-family N/A

(6) Commercial, adjacent to and integrated into a Town Center N/A

(7) Commercial, other than within or adjacent to a Town Center Two acres

(8) Town Center (vertically-mixed uses) N/A

(q) *Town Center regulations*. The intent of a Town Center is to provide for the development of a sustainable, mixed-use downtown environment that embodies the uniqueness of the community. This section is intended to promote the development of pedestrian-oriented, mixed-use community organized around centralized open space and water bodies. The efficient development of land resources, compact development of a variety of housing choices, flexibility in use and design and green building and planning techniques are fundamental to a Town Center development.

Pedestrian comfort and safety is crucial to the development of an economically sustainable Town Center and shall be of greater concern than the convenience of drivers. Streetscapes should offer protection from the elements. To the greatest degree possible, continuous overhead cover should be provided. In addition, the best streets offer variety and encourage building occupants to add something to the street such as awnings, cafe seating, plants and flowers. The goal of street design within the Town Center should be to provide appropriate space for these things to occur thus ensuring a vibrant and interesting public space. Site furnishings, plants, and hardscape treatments should be carefully selected and installed to complement the sustainable goals of the Town Center.

In the event that a Town Center is developed in connection with a PMUD, the following regulations shall apply:

(1) Size: No more than ten percent (10%) of the total gross PMUD acreage may be approved for a town center.

There shall be at least one plaza or square within a town center.

(2) Categories of use allocation in the town center can include residential, commercial, office, retail, institutional, recreational, and open space.

(3) Sidewalks, excluding any outdoor plaza/square, or outside seating areas in a town center to be a minimum width of eight (8) feet and may include tree grates.

(4) A minimum landscaped buffer of five (5) feet shall be required if a Town Center parcel abuts a residential parcel.

(5) In addition to the landscaped buffer a solid wall/fence at a minimum height of eight (8) feet shall be required if a Town Center parcel directly abuts a residential parcel/lot without separation by a water body or public or private roadway or alley on the residential parcel.

(6) With the following exceptions, parking requirements shall be as specified in section 25-4:

a. On-street parallel parking shall be a minimum width of eight (8) feet and twenty-two (22) feet length.

b. The amount of required parking for all non-residential uses shall be reduced by twenty-five percent (25%), for any building which contains both residential and non-residential uses.

(r) *Alley widths*. Alley widths to be a minimum of fourteen (14) feet where a minimum ten (10) feet of travel lane is required for one-way circulation, and twenty-four (24) feet where a minimum of (20) feet of travel lane for two-way circulation. Curb radii to accommodate emergency vehicle turning radius as required.

(s) *Lot coverage* as set forth herein:

Type of use: % lot coverage for building:

(1) Single Family 50%

(2) Zero Lot 50%

(3) Townhouse (Front-load) 65%

(4) Townhouse (Alley-load) 65%

(5) Multi-family 65%

(6) Commercial, adjacent to and integrated into a town center N/A

(7) Commercial, other than adjacent to a Town Center 35%

(8) Town Center N/A

(t) *Conceptual Design Guidelines* for the Town Center shall be provided to the City at least 60 days prior to application for site plan approval and approved by the City Commission in conjunction with the site plan approval, and shall at a minimum include:

(1) Proposed size/area of each use area;

(2) Proposed mean building heights;

(3) Proposed density/FAR;

(4) Typical roadway cross sections;

(5) Proposed entry/features/monument locations;

(6) Transit accommodations;

(7) Use mix;

(8) Build to line/street orientation;

(9) Parking locations;

(10) Building design;

(11) Streetscape treatments;

(12) Pedestrian walkways;

(13) Orientation of uses;

(14) Engineering standards;

(15) Lighting standards;

(16) Signage standards;

(17) Identification of any deviations from the code. Such deviations may be approved as part of the PMUD approval;

(18) Maintenance plan for building exteriors and/or other common areas.

(u) *Rezoning to PMUD.* The procedure for rezoning to a PMUD shall be as set forth in section 23-66, and shall be modified as follows:

(1) *Conceptual Design Guidelines.* Conceptual Design Guidelines for the proposed PMUD shall be included in an application for rezoning to PMUD and shall consist at a minimum of:

a. Location Map illustrating perimeter boundary lines including adjacent roadways;

b. Typical internal and external roadway connections and;

c. Typical street and alley cross sections, including proposed right-of-way widths and buffers;

d. Size/area for total site;

e. Proposed size/area for each pod or subdivision;

f. Proposed number of units by type of unit;

g. Estimated units of pods by type of unit;

h. Density for entire project by pod or subdivision;

i. Estimated proposed square footage for Town Center and commercial pods;

j. Conceptual floor area ratio (FAR) for pods other than single-family residential as required and in accordance with section 23-66(e)(5);

k. Peripheral buffer widths and setbacks;

l. Water and dry land areas and sizes;

m. Identify public and private roads and provide cross-section detail for each;

n. Proposed location and size of recreation and open space parcels;

o. Conceptual dimensions of waterway widths;

p. Minimum typical lot sizes;

q. Proposed location of pedestrian circulation and access;

r. Proposed location and sizes of environmental/mitigation areas;

s. Public facilities locations;

t. Lot coverage;

u. Minimum living area;

v. Open space ratios;

w. Proposed entry features/monumentation locations;

x. Proposed building heights;

y. Proposed building setbacks.

(2) In the event that rezoning to a PMUD is approved by the City Commission, the overall Master Plan shall be:

a. Certified by the City Clerk;

b. Filed with the Rezoning Application; and

c. Recorded with the public records in accordance with the requirements of the City Attorney.

(Ord. No. 05-06-02; §3, 6-28-05)

Sec. 23-71. Reserved.

Sec. 23-72. PCD, Planned commercial development district.

(a) *Permitted uses.* In the PCD district, 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 or more of the following uses:

(1) Alcohol sales or service;

(2) Funeral home;

(3) Golf course;

(4) Hospital;

(5) Hotel or motel, subject to section 23-100;

(6) Laundry, provided that dry cleaning shall be conducted within completely enclosed solvent reclaiming units;

(7) Medical office or clinic, subject to Section 23-101.1 and Section 23-104.1;

(8) Medical or dental laboratory, subject to Section 23-101.1 and Section 23-104.1;

(Ord. No. 10-5-1, §3, 5-25-10)

(9) Office, business or professional;

(10) Personal care services, provided that dry cleaning shall be conducted within completely enclosed solvent reclaiming units;

(11) Personal improvement services;

(12) Recreation, indoor;

(13) Recreation, outdoor;

(14) Repair, small appliance;

(15) Restaurant, general, subject to section 23-100;

(16) Restaurant, fast food, subject to section 23-100;

(17) Retail, neighborhood;

(18) Retail, community;

(19) Retail, general;

(20) Special residential facility, type 3, subject to section 23-109;

(21) Veterinary services, subject to section 23-113;

(22) Vocational school, subject to section 23-152.

(23) Community assembly, subject to the supplemental regulations contained in Section 23-95(b).

(Ord. No. 04-06-05, § 1, 06-22-04; Ord. No. 08-7-1, § 12, 7-15-08; Ord. No. 16-12-1, § 2, 12-13-16)

(b) *Conditional uses.* The following uses may be permitted in the PCD, Planned commercial development district, subject to the provisions of Section 23-152:

(1) Tattoo parlor, subject to a minimum 1,000 foot separation between the tattoo parlor and another such use. Measurement of the 1,000 feet shall be by an actual or imaginary straight line upon the ground or in the air, from the property line of the lot on which the proposed tattoo parlor will be located to the nearest property line of the lot on which exists any other tattoo parlor.

(Ord. No. 15-3-1, § 2, 3-10-15)

(c) *Maximum height.* No building or structure in the PCD district shall be erected or altered to a height exceeding (5) stories or sixty (60) feet.

(d) *Building setbacks.* No building in the PCD district shall be located within seventy-five (75) feet of any lot line or any other building.

(e) *Building dimensions.* No building in the PCD district shall have a horizontal dimension in any direction that exceeds five hundred (500) feet, provided that a greater length may be permitted subject to approval by the city commission.

(f) *Fences and walls.* A solid masonry wall shall be provided between the PCD and any adjacent residential district, pursuant to section 23-90(d), compatibility buffer walls.

(g) All activities of permitted uses, other than outdoor recreational uses, as set forth in subsection (a) (5), (12) and (15) hereinabove, must take place within a completely enclosed building. (Ord. No. 01-4-1, § 1, 4-10-01)

Sec. 23-73. Reserved.

Sec. 23-74. PID, Planned industrial development district.

(a) *Permitted uses.* In the PID district, 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 or more of the following uses:

(1) Basic industry;

(2) Light manufacturing;

(3) Mining and quarrying;

(4) Parking, commercial;

(5) Research and development;

(6) Utilities, major;

(7) Vehicle and equipment repair;

(8) Wholesale or warehousing.

(Ord. No. 08-7-1, § 13, 7-15-08)

(c) *Maximum height.* No building or structure in the PID district shall be erected or altered to a height exceeding three (3) stories or forty (40) feet.

(d) *Building setbacks.* No building in the PID district shall be located within seventy-five (75) feet of any lot line or any other building.

(e) *Building dimensions.* No building in the PID district shall have a horizontal dimension in any direction that exceeds five hundred (500) feet, provided that a greater length may be permitted subject to approval by the city commission.

(f) *Fences and walls.* A solid masonry wall shall be provided between the PCD and any adjacent residential district, pursuant to section 23-90(d), compatibility buffer walls.

Sec. 23-75. Reserved.

Sec. 23-76. SRL, Special residential lifestyle overlay district.

(a) *District purpose.* The SRL, special residential lifestyle overlay district is intended to apply only to certain residential areas that developed in previously unincorporated areas of the county and that have been subsequently annexed into the city and desire to maintain their current single-family lifestyle with incidental maintenance of some domestic animals, farm equipment, boats and other vehicles as permitted in the zoning classification adopted by the Broward County board of county commissioners for their area.

(b) *Applicability.* The SRL district is an overlay district. The provisions of the SRL district apply in addition to the provisions of the underlying base zoning district. In the case of conflict between the regulations of the SRL district and the underlying base district, the regulations of the SRL district shall control. The SRL district applies to all areas meeting all of the following criteria:

(1) The area was annexed to the city subsequent to January 10, 1984; and

(2) The area was zoned by the county board of commissioners as A-1, A-2, E-1, or E-2; and

(3) The area has a gross density of one dwelling unit per acre or less; and

(4) The area met the following development criteria prior to annexation:

a. For projects up to one hundred (100) acres, twenty-five (25) percent of the residential lots in the development had been constructed and had a current certificate of occupancy, prior to the annexation.

b. For projects one hundred one (101) gross acres and greater in size, thirty-five (35) percent of the residential lots in the development had been constructed and had a current certificate of occupancy, prior to the annexation.

(c) *Permitted uses.* 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 the uses permitted in the following portions of Broward County's code of ordinances, as may be amended from time to time:

(1) Article XXVI, limited agricultural A-1 and general agricultural A-2 districts;

(2) Article XXXIV, estate E-1 district;

(3) Article XXXV, agricultural estate E-2 district.

(d) *Special regulations.*

(1) Should any future rezoning petition be made to the city from a special residential lifestyle district, the application shall be made in accordance with all applicable provisions of section 23-151, rezoning (map amendment).

(2) The special residential lifestyle zoning district designation for an area shall only be amended by the city if more than sixty-seven (67) percent of the residents in an area greater than ten (10) compact contiguous acres in size vote affirmatively in a referendum to request a change to their zoning district. Provided, however, that all amendments to the zoning of an area designated as a special residential lifestyle zoning district shall be consistent with the city's certified land use plan.

(3) The regulations governing the use of the land, such as size of plot, plot coverage, height, yards, minimum floor area, shall be the regulations included in the county zoning code of ordinances for the specific zoning district applicable to the annexed territory, as may be amended.

(4) Individual single-family homeowners zoned in the SRL district shall conform to county requirements for off-street parking, landscaping and signs as may be codified, with the exception that all commercial signs shall be in conformance with the city's sign requirements.

Sec. 23-77. CS, community services district.

(a) *Purpose and intent.* The purpose of this district is to provide for those areas identified in the land use element of the comprehensive plan as suitable for use by community facilities and community services. It is intended that this district be applied to major community services and facilities, and that some community services and facilities of a less intensive nature be permitted in other districts.

(b) *Permitted uses.* The following uses shall be permitted principal uses in the CS district:

(1) Administrative and maintenance facilities, including fueling facilities;

(2) Public safety facilities;

(3) Maintenance facilities, including fueling facilities; (4) Storage yards.

(5) Water and wastewater treatment facilities; and

(6) Accessory uses customarily incidental to the permitted principal uses.

(c) *Prohibited uses.* The following uses shall be expressly prohibited in the CS District:

(1) Commercial and/or industrial uses which involve the wholesale or retail sale, manufacture or assembly of goods or services; and

(2) Residential dwellings.

(d) *General development requirements*: All developments within CS districts shall be required to conform to the following provisions of this Code of Ordinances:

(1) Chapter 24, "Subdivision and site plan review."

(2) Article III, Chapter 25, "Landscaping."

(3) Article I, Chapter 25, "Off-street parking and loading," provided, however, that inactive or archival storage areas shall not be included within the building square footage calculations to determine required number of parking spaces.

(4) Section 23-80, "Accessory and mechanical equipment."

(5) Section 23-87, "Antennas."

(6) Article II, Chapter 25, "Signs."

(7) Article IV, Chapter 25, "Environmental protection."

(8) Article VII, Chapter 25, "Driveways and sidewalks."

(9) Article VIII, Chapter 25, "Dumpsters and garbage receptacles."

(10) Retention areas provided within CS districts shall be planted with native vegetation appropriate to wetlands areas.

(11) Exterior lighting installed within CS district shall be so designed and arranged as not to cause a direct glare beyond the CS site. Exterior lighting shall not exceed one (1) foot-candle measured at the property lines by a certified light meter.

(e) *Development requirements for administrative offices, public safety facilities and other municipal uses except utility and public works facilities*:

(1) Minimum lot size: One (1) acre.

(2) Open space: CS district developments shall contain a minimum open space of twenty percent (20%) of the site area, provided, however, that every effort shall be made to maintain as much open space within the site as possible.

(3) Maximum building height: Two (2) stories or forty-five (45) feet, whichever shall be less.

(4) Minimum yards:

a. Street yards: Sixty (60) feet.

b. Yards adjacent to interior lot lines: Twenty-five (25) feet.

(5) When CS developments directly abut residential developments or residentially zoned property, a concrete masonry wall shall be constructed on the abutting lot lines in accordance with the provisions of section 23- 90 of this Code.

(f) Due to the unique nature of utility and public works developments, the city commission shall have the authority to waive any of the provisions of subsection (e) hereinabove for such developments, provided, however that these developments shall comply with the provisions of subsection (d) herein.

(Ord. No. 00-7-1, §2, 7-18-00)

Sec. 23-78--23-79. Reserved.

ARTICLE V. SUPPLEMENTARY REGULATIONS

Sec. 23-80. Accessory and mechanical equipment.

(a) For purposes of this section, accessory and mechanical equipment shall include, but not be limited to, air conditioners, refrigeration condensers, and/or electric fans attendant thereto, except those that are wind driven; exhaust equipment, elevator towers and equipment, antennas not covered in section 23-87, antennas, outside storage facilities and fuel tanks.

(b) Accessory and mechanical equipment incidental to any use or structure and not exceeding four (4) feet in height above ground level shall be permitted within required yards in all zoning districts.

(c) The placement of all accessory and mechanical equipment shall be in compliance with the city's code, the Florida building code, Broward edition, and applicable fire codes.

(d) All accessory and mechanical equipment utilized in the support of any use or structure located in all zoning districts, except A-1, E-3, E-2, E-1, R-1-A, R-1-B, R-1-C, and R-1-D, shall be hidden or screened as follows:

(1) *Roofscapes.* The height of all exterior walls of all buildings shall be higher than the total height of all accessory and mechanical

equipment to be installed on the roof of any building. The maximum height of the exterior of a building shall not exceed the maximum height limitation included in the zoning district.

(2) *Ground level.* All accessory and mechanical equipment located at ground level shall be kept hidden from view behind a wall, mature landscaping (subject to the approval of the planning & zoning board) or fence made a permanent part of the structure and showing and approved on site plans. The screening wall shall be a minimum of two (2) feet higher than the top of all equipment to be screened. No accessory equipment shall exceed four (4) feet in height above ground level within any and all setback areas.

(3) *Below ground level.* Accessory and mechanical equipment may be placed underground, wherever permitted by this and other appropriate codes, so as to be hidden from public view. All necessary exhaust or venting apparatus that is to be above ground shall be subject to the provisions of subsection (d)(2) above.

(e) All structures and uses, in existence prior to the effective date of this section, shall be grandfathered and not subject to the provisions herein. All proposed revisions to existing structures, or changes in use, wherein a building permit or change or new occupational license is required, shall come under the regulations of this section before approval of the building permit or occupational license is given.

Sec. 23-81. Accessory apartment.

An accessory apartment shall be subject to the following supplementary regulations.

(a) An accessory apartment shall be permitted only as an accessory dwelling unit to a single-family dwelling.

(b) No more than one (1) accessory apartment shall be permitted per single-family lot.

(c) In the event that an accessory apartment is created through an addition to or conversion of part of an existing single-family dwelling, no new entrance visible from the street shall be created. No private garage shall be converted to an accessory apartment.

(d) No accessory apartment shall be created or occupied for living purposes unless the owner of the property shall occupy the principal single-family dwelling unit on the premises, except for bona fide temporary absences.

(e) No accessory dwelling unit shall be rented, leased or otherwise operated for profit. No accessory dwelling unit shall be occupied by other than by the following:

(1) a person or persons interrelated by bonds of consanguinity, marriage or legal adoption with an occupant of the principal dwelling unit;

(2) one or more servants employed full-time on the premises; or

(3) gratuitous guests.

Sec. 23-82. Accessory buildings.

Accessory buildings shall be subject to the same regulations as the principal building on the lot, except as otherwise specifically provided in this code, provided that the construction of accessory buildings on a lot designed, intended or used for a principal single-family or duplex dwelling shall be subject to the following supplementary regulations.

(a) The following accessory buildings shall be permitted:

(1) *Private garage.* A private garage may be constructed, provided it shall not be over twenty (20) feet in height, nor shall it be constructed within required yards. No living quarters shall be permitted in a private garage.

(2) *Storage shed.* A storage shed may be constructed, provided it shall not be over eight (8) feet in height, nor shall it measure larger than one hundred (100) square feet in overall size.

(3) *Chickee hut.* A chickee hut or other structure utilizing a thatched type roof not greater than fourteen (14) feet in height may be constructed, subject to the applicable provisions of the Florida Building Code, as same may be amended.

(4) *Gazebo.* A gazebo may be constructed, provided it shall not be over fourteen (14) feet in height, nor shall it exceed one hundred fifty (150) square feet in overall size.

(5) A storage shed, chickee hut or gazebo may be constructed within required interior side or rear yard setbacks, provided that such accessory building shall not be constructed closer than six (6) feet from the rear or interior side property line or the minimum required setback, whichever is less. Such accessory building may be located closer than described hereinabove, from the rear or interior side lot line, provided there is a six (6) foot high privacy fence constructed along the rear/interior side lot line, and further provided that if there are any easements within this area, easement releases/approvals must be obtained from responsible utilities and/or other appropriate agencies before a building permit may be issued. Such accessory building shall be counted in the calculation of building coverage.

(6) *Canopies or fixed awnings.* A canopy or fixed awning shall be defined as a permanent, non-retractable, unenclosed shelter attached to or extending from a building, or a free-standing permanent shelter made of fabric, plastic, vinyl or other non-rigid material, supported by a frame.

a. Canopies or fixed awnings may be constructed within required interior side or rear yard setbacks, provided that such accessory building shall not be constructed closer than six (6) feet from the rear or interior side property line, or the minimum required setback, whichever is less. Such accessory building shall be counted in the calculation of building coverage.

b. Canopies or fixed awnings shall not exceed fourteen (14) feet in height.

(b) No accessory buildings shall be constructed, placed, or erected, or permitted to be constructed unless it is done at the same time or subsequent to the construction of the residence.

(c) No accessory building shall be built in the front yard.

(d) No more than two (2) accessory buildings shall be constructed on any lot, provided the total area of accessory buildings shall not be greater than thirty-five (35) percent of the rear yard area.

(e) All accessory buildings shall be maintained by the property owner free of any dirt, grime, stains, mold, mildew, peeling, rips, tears and free from any signs of deterioration.

(Ord. No. 05-01-02, §1; 01-25-05)

Sec. 23-83 - Setback Requirements - Swimming Pools

(a) If deemed advisable by the building department to issue a pool and/or screen enclosure permit, after investigation as to its propriety, same shall be issued by the building department to the owner permitting the construction of a swimming pool and/or screen enclosure to six (6) feet from the rear lot line and six (6) feet from the interior side lot line. Existing pools with a closed building permit as of October 13, 2020 may construct a screen enclosure within five (5) feet of the rear lot line and five (5) feet from the interior side lot line. In no event shall a permit be issued for construction of a pool and/or screen enclosure that will encroach upon a utility easement. If a pool and/ or screen enclosure is proposed for an easement dedicated to a drainage district or any other type of easement, the owner shall receive approval for such encroachment from any and all parties to which the easement is dedicated. Screened enclosures, or permanent fences or wall (minimum five (5) feet in height) shall be required to surround all in-ground swimming pools, all above-ground swimming pools, therapeutic pools, hot tubs and spas (for this section these shall all be generally referred to as "pools"). This is to include all features classified with pools by the Florida Building Code but not to include other items such as portable toddler's wading pools. Permanent fencing shall be of a design that would require a building permit for installation such as a chain link fence, shadowbox fence, picket fence, or a board-on-board fence and would not be able to be readily removed (not what is commonly referred to as a baby guard swimming pool fence, "baby fence" or mesh safety fence). A fence shall be considered to be able to be readily removed if it is designed in such a way that once the fence is taken down the Florida Building Code would not require a building permit for it to be put back in place. Therefore, a permanent fence would require a building permit each and any time it is put in place. Permanent fences and screen enclosures shall meet any and all requirements of Florida Building Code including any applicable requirements for any gate(s) and latch(es).

(Ord. No. 11-4-1, §2, 4-26-11; Ord. No. 20-9-4, § 2, 10-13-20)

(b) In addition to the above, townhomes or other non-single-family detached structures, but not including duplexes, which include a rear yard designated by an approved site plan with an individual unit, may further reduce the required setbacks for pools, screen enclosures and/or enclosures as specified below. This section shall be effective to all townhomes or other non-single family detached structures, but not including duplexes, that have received a certificate of occupancy (CO) as of the effective date of this section (June 19, 2007). Any townhome or other non-single family detached structure, but not including duplexes, which has not received a CO as of the effective date of this section (June 19, 2007) may petition to utilize the provisions of this section with approval of a site plan or site plan amendment application. Such petition to utilize these provisions shall be at the discretion of the City Commission and are not a regulation by right. This section for such multi-family structures shall apply to pools, screen enclosures, canopies/fixed awnings and/or enclosures which include screen walls and may have solid roofs. For such multi-family units the rear and/or interior side setback may be further reduced as described below for a pool or such enclosures provided all provisions of the Florida Building Code are satisfied for proper construction of such structure. In addition to the reduction to the interior side setback adjacent to another attached unit, a unit at the end of the row of a building may also reduce the setback as described below for a side which is not adjacent to an attached unit provided that the structure remains within the area designated for that unit by an approved site plan and does not reduce any required open space or common area that separates the area designated to such unit from another building, street or the property line for the overall development. When the above conditions are met a side setback may be reduced to zero. When the above conditions are met the setback may be reduced to zero for the rear provided there is at least six (6) feet of common area abutting the rear of the individual unit area. If there is not at least six (6) feet of common area abutting the rear of the individual unit area the rear setback within the individual unit area may only be reduced to the extent that at least (6) feet is maintained by combining the common area and the reduced setback. This section does not provide exception to any structures with any portion of the wall as solid other than a solid wall approved by a site plan for the overall development. The provisions of this section are separate from any regulations of an owner's association or other entity from which an owner must receive authorization for construction. Such association authorization may include stipulations for a bond or other surety for restitution for potential damage to adjacent property or common area.

For the zero lot line side of a zero lot line home or center common lot line of a duplex, the required setback for those lines may be further reduced to three (3) feet for a screen enclosure or canopy/fixed awning but not for a pool or other enclosures.

For the zero lot line side of a zero lot line home or center common lot line of a duplex, the required setback for those lines may only be reduced to six (6) feet for a pool. The provisions of this section are separate from any regulations of an owner's association or other entity from which an owner must receive authorization, if any exist, for construction. If such association exists, such association authorization may include stipulations for a bond or other surety for restitution for potential damage to adjacent property or common area.

(Ord. No. 07-6-1, §1; 06-19-07)

(c) Residential property shall be defined for the purposes of this section as those certain zoning classifications including TH-1, those beginning with the letter "R" and the PUD district, as set forth in this chapter.

(Ord. No. 07-6-1, §1; 06-19-07)

(d) A violation(s) of this section shall be prosecuted in accordance withChapter 13, Article VI, of this Code or through any other supplemental municipal code or ordinance enforcement procedures available to the City under the Florida Statutes, this Code, or both.

(Ord. No. 11-4-1, §2, 4-26-11)

Sec. 23-84. Accessory uses.

In addition to the principal uses permitted in each district, each principal use shall be deemed to include activities customarily associated with, and appropriate, incidental, and subordinate to the principal activity when located on the same lot as such principal activity (except off-site parking). Such accessory activities shall be controlled in the same manner as the principal activities within such type except as otherwise expressly provided in this chapter. Such accessory activities include, but are not limited to, the following activities, subject to the conditions set forth below.

(a) *Boat facilities.* Noncommercial boat piers, slips or boathouses for docking of private water craft shall be permitted accessory uses for lots with waterfront access, subject to section 23-87, boat landings, docks, piers.

(b) *Home occupation.* A home occupation shall be allowed as an accessory use to a single-family dwelling unit, limited by the regulations in chapter 9 of this code.

(c) *Office buildings.* Buildings used primarily for business and professional or medical office uses may also include commercial establishments providing goods and services to the patrons and employees of the principal uses, subject to the following supplementary regulations.

(1) The aggregate gross interior floor area of the accessory uses shall not exceed five (5) percent of the total gross floor area of the office park or five (5) percent of the gross floor area of the building in which the accessory uses are located.

(2) The permitted accessory uses shall include only the following:

a. newsstand,

b. florist, and/or

c. barbershop or beauty shop.

(Ord. No. 10-5-1, §4, 5-25-10)

(d) *Parking.* Off-street parking serving a principal activity and complying with the provisions ofchapter 25, article II, Off-street parking, shall be considered an accessory use.

(e) *Retail manufacturing.* Production of goods for sale or processing of items for a fee by a firm engaged in a principal commercial activity on the same lot shall be considered an accessory use, but only if:

(1) Such manufacturing or processing shall be limited to baking, confectionery, dressmaking, dyeing, laundering, dry cleaning, printing, tailoring, upholstering and similar activities of a no more objectionable character.

(2) All such manufacturing or processing shall be done on the premises;

(3) All goods so produced and all items so processed shall be sold or charged for at retail on the premises.

(f) *Storage.* Storage of goods sold by a principal commercial activity engaged in by the same firm on the same lot shall be considered an accessory use.

(g) *Temporary real estate sales.* Temporary conduct of a real estate sales office that is necessary and incidental to, and located on the site of, a subdivision being developed into five (5) or more lots shall be considered an accessory use.

(h) *Utility lines.* Public utility transmission lines such as underground cables or conduits; gas, water, oil or sewer, mains or pipes; telephone, telegraph, electric light and power lines shall be accessory to any permitted use.

Sec. 23-85. Adult entertainment.

(a) *Definitions.* The following words and phrases, when used in this article shall have the meanings respectively ascribed to them:

Adult bookstore: A place where books, magazines, records, photographs or moving pictures are sold or a part of any business set aside as a place where books, magazines, records, photographs or moving pictures are sold, which has as its principal purpose the offering for sale to adults of books, magazines, records, photographs, moving pictures or other merchandise which have as their dominant or primary theme matters depicting, describing or relating to “specified sexual activities” or to “specified anatomical areas.”

Adult motel or hotel: A place where motion pictures are shown in rooms designed primarily for lodging, which motion pictures have as their dominant or primary theme matters depicting, describing or relating to “specified sexual activities” or to “specified anatomical areas.”

Adult motion picture theater: A place where motion pictures are shown, or a section, department or part of any business set aside for the purpose of showing of motion pictures, which has as its principal or incidental purpose the offering for viewing to adults of motion pictures which have as their dominant or primary theme matters depicting, describing or relating to “specified sexual activities” or to “specified anatomical areas”.

Cabaret: A place that features topless and/or bottomless dancers, go-go dancers, exotic dancers, strippers, male or female impersonator, nude entertainers or similar entertainers.

Massage parlor: A business establishment that provides massage and/or body manipulation services. This definition shall not apply to the following individuals while engaged in the performance of their duties of their respective professions:

(1) Physicians, surgeons, chiropractors, osteopaths, physical therapists, masseurs or masseuses who are duly licensed to practice their respective professions in the state;

(2) Nurses who are registered under the laws of the state; and

(3) Barbers and beauticians who are duly licensed under the laws of the state, except that this exemption shall apply solely to the massaging of the shoulders, neck, face, scalp and hair of the customer or client.

School: For the purpose of this section, an educational center which includes kindergarten or a higher grade, including elementary, secondary, business, technical or trade schools, either public or private.

Specified anatomical areas: Any of the following:

(1) Less than completely and opaquely covered:

a. Human genitals, pubic region;

b. Buttock; or

c. Female breast below a point immediately above the top of the areola; and

(2) Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

Specified sexual activities: Any of the following:

(1) Human genitals in a state of sexual stimulation or arousal;

(2) Acts of human masturbation, sexual intercourse or sodomy; or

(3) Fondling or other erotic touching of human genitals, pubic region, buttock or female breast.

(b) *Distance requirements.* No adult bookstore, adult motion picture theater, adult hotel or motel, cabaret or massage parlor shall be located:

(1) within a one-mile radius, property line to property line, of any other of the aforementioned establishments, or

(2) within one thousand (1,000) feet, property line to property line, of:

a. any establishment selling beer or intoxicating liquor for consumption on the premises;

b. hotels, motels, or public lodging houses;

c. churches;

d. school, public or private;

e. day care centers; or

f. any area zoned for residential uses.

Sec. 23-86. Amusement centers.

(a) *Definitions.* The following words and phrases, when used in this section shall have the meanings respectively ascribed to them:

Amusement center, accessory use: An establishment the primary business of which is to offer goods or services other than amusement games and which offers amusement games to the general public for a profit. Any establishment containing eight (8) to fifteen (15) amusement games shall be deemed an accessory use amusement center.

(Ord. No. 07-2-1; §1, 2-13-07)

Amusement center, incidental use: An establishment the primary business of which is to offer goods or services other than amusement games and which offers amusement games to the general public for a profit. Any establishment containing one (1) to seven (7) amusement games shall be deemed an incidental use amusement center.

(Ord. No. 07-2-1; §1, 2-13-07)

Amusement center, primary use: An establishment the primary use of which is to offers amusement games to the general public for profit. Any establishment containing fifty (50) or more amusement games shall be deemed an primary use amusement center regardless of any other services offered or sold at the establishment.

Amusement game: Any coin-operated game or device designed and manufactured only for bona fide amusement purposes which game or device is played by the application of skill. Amusement games shall also mean any machine or device which, upon the insertion of a coin or token, or upon payment of a fee, may be operated by the public generally for use as a game, entertainment or amusement, whether or not registering a score. It shall include such devices as electronic games, pinball machines, and all games, operations or transactions under whatever name they may be indicated. The term does not include vending machines, in which are not incorporated games or amusement features, nor does the term include any coin-operated musical devices or rides.

(b) *Primary use amusement centers.* Primary use amusement centers shall be subject to the following supplementary regulations.

(1) The business address of primary use amusement centers shall require conditional use approval, pursuant to section 23-152, conditional use.

(2) The business address must lie within a B-2, B-3, PCD, or commercial portion of a PMUD zoning district. (Ord. No. 07-2-1; §1, 2-13-07)

(3) No primary use amusement center shall operate closer than two hundred fifty (250) feet from residentially zoned property, unless:

a. Separated from the residentially zoned property by a public right-of-way greater than one hundred (100) feet in width; or

b. Separated from the residentially zoned property a distance of not less than one hundred sixty (160) feet when a boundary wall, a minimum of seven (7) feet high, is constructed along the residentially zoned property.

Measurement shall be from the exit or entrance of the amusement center nearest the residentially zoned property in a straight line to the nearest boundary line of the residentially zoned property.

(4) No primary use amusement center shall be located closer than one thousand (1,000) feet from any public or private elementary or secondary school or school playground. The method of measurement shall be from the exit or entrance of the amusement center nearest the public or private elementary or secondary school or public or private school playground in a straight line to the nearest boundary of that public or private elementary or secondary school or school playground.

(5) There shall be a maximum of one primary use or accessory use amusement center for each commercial center within the city, as shown on a site plan previously approved by the city commission.

(6) A minimum gross floor area of forty (40) square feet for each machine shall be provided.

(7) That portion of the net floor area primarily designated for the use of amusement games on the architectural building plans, shall not be greater than two thousand five hundred (2,500) square feet of net floor area. For the purposes of this section, net floor area primarily designated for the use of amusement games shall exclude rest rooms, counters for retail sales, storage rooms, office space,

lounge areas, and other accessory use areas. Nothing in this section shall prohibit other accessory uses adjacent to the area primarily designated for the use of amusement games provided such accessory uses conform with all the provisions of this code.

(8) No persons from five (5) through and including sixteen (16) years of age shall use amusement games from 7:00 a.m. to 4:00 p.m., when school is in session, in primary use amusement centers.

(9) No primary use amusement center shall have more than sixty-two (62) amusement games, including amusement game tables.

(10) The hours of operation of the amusement centers shall comply with all laws, ordinances and regulations of the City and the state.

(11) Conduct of business shall be supervised at all times by a minimum of one person over the age of twenty-one (21).

(12) Each amusement game shall indicate its rating as defined by the American Amusement Machine Association (AAMA) and the Amusement and Music Operators Association (AMOA), as such may be amended from time to time. A poster or other similar representation of such rating system shall be posted in a conspicuous location where it may be clearly seen in or about any area of use of any amusement game(s).

(Ord. No. 07-2-1; §1, 2-13-07)

(c) *Accessory use amusement centers.* Accessory use amusement centers shall be subject to the following supplementary regulations.

(1) The business address of accessory use amusement centers shall require conditional use approval, pursuant to section 23-152, conditional use.

(2) The business address shall lie within a B-1, B-2, B-3, PCD, or commercial portion of a PMUD zoning district. (Ord. No. 07-2-1; §1, 2-13-07)

(3) There shall be a maximum of one primary use or accessory use amusement center for each commercial center within the City, as shown on a site plan previously approved by the city commission.

(4) Accessory use amusement centers shall be limited to the following uses: restaurants with bars, lounges, taverns, bars, recreational facilities and transportation facilities.

(5) That portion of an accessory use amusement center primarily designated for the use of amusement games shall not exceed twenty (20) percent of the net floor area of the center, as defined in subsection (b)(7) above.

(6) A minimum gross floor area of twenty-five (25) square feet for each machine shall be provided. The applicant shall submit a concept plan with a minimum amount of detail for review and approval by the city clerk. The purpose of the concept plan shall be to ascertain compliance with the minimum floor area requirement.

(7) No persons from five (5) through and including sixteen (16) years of age shall use amusement games from 7:00 a.m. to 4:00 p.m., when school is in session, in accessory use amusement centers.

(8) The hours of operation of the amusement center shall comply with all laws, ordinances and regulations of the city and the state.

(9) The conduct of the business shall be supervised at all times by a minimum of one person over the age of twenty-one (21).

(10) Each amusement game shall indicate its rating as defined by the American Amusement Machine Association (AAMA) and the Amusement and Music Operators Association (AMOA), as such may be amended from time to time. A poster or other similar representation of such rating system shall be posted in a conspicuous location where it may be clearly seen in or about any area of use of any amusement games(s).

(Ord. No. 07-2-1; §1, 2-13-07)

(d) *Incidental use amusement centers.* Incidental use amusement centers shall be a permitted use subject to the following supplementary regulations.

(1) The business address shall lie within a B-1, B-2, B-3, PCD or commercial portion of a PMUD zoning district. (2) No incidental use amusement center shall operate closer than sixty (60) feet from residentially zoned property.

Measurement shall be from the exit or entrance of the amusement center nearest the residentially zoned property in a straight line to the nearest boundary line of the residentially zoned property.

(3) Incidental use amusement centers shall be limited to the following uses: restaurants, lounges, taverns, bars, recreational facilities and transportation facilities.

(4) No persons from five (5) through and including sixteen (16) years of age shall use amusement games from 7:00 a.m. to 4:00 p.m., when school is in session, in incidental use amusement centers.

(5) That portion of an incidental use amusement center primarily designated for the use of amusement games shall not exceed fifteen (15) percent of the net floor area of the center, as defined in subsection (b)(7) above.

(6) A minimum gross floor area of twenty-five (25) square feet for each machine shall be provided. The applicant shall submit a concept plan with a minimum amount of detail for review and approval by the city clerk. The purpose of the concept plan shall be to ascertain compliance with the minimum floor area requirement.

(7) The hours of operation of the amusement center shall comply with all laws, ordinances and regulations of the city and the state.

(8) The conduct of the business shall be supervised at all times by a minimum of one person over the age of twenty-one (21).

(9) Each amusement game shall indicate its rating as defined by the American Amusement Machine Association (AAMA) and the Amusement and Music Operators Association (AMOA), as such may be amended from time to time. A poster or other similar representation of such rating system shall be posted in a conspicuous location where it may be clearly seen in or about any area of use of any amusement game(s).

(Ord. No. 07-2-1; §1, 2-13-07)

(e) *Prohibited in certain stores.* No primary use, accessory use or incidental use amusement center shall be allowed in commercial establishments, the primary business of which is to sell packaged foods and goods not prepared for consumption on the premises, including convenience food stores. This in no way prohibits the operation of amusement games in restaurants.

(f) *Licensing requirement.*

(1) *License required.* No person shall display for public patronage or keep for operation any amusement center or device without first having obtained a proper license from the city as provided in chapter 9, local business tax receipts, of the city code.

(2) *Application requirements.* Application for a license to operate an incidental use, primary use or accessory use amusement center shall be made on forms provided by the city clerk, which application shall be filed by the applicant with the city clerk and shall contain the following information:

a. Address and name of the owner, lessor or other person in control of the establishment or establishments wherein the amusement devices are proposed to be located hereinafter called applicant;

b. Business address of applicant;

c. Residence address of applicant;

d. Date and place of birth of applicant (no license shall be issued to any individual under the age of eighteen (18));

e. Citizenship of the applicant;

f. If the applicant has been convicted of any felony or misdemeanor, a statement concerning same, giving the time and place of such convictions;

g. A statement that the devices for which the license is sought is not intended to be, and will not be permitted to be used for any gambling purpose whatsoever;

h. A description of the amusement devices and the manner in which they are to be placed and operated;

i. A statement of the total number of such devices currently on the premises, if any, or proposed on the premises, and a description of each;

j. A statement of the applicant's interest in or title to the devices for which a license is sought;

k. If the applicant is a corporation, the name of the corporation shall be set forth exactly as shown in the articles of incorporation, or charter, together with state and date of incorporation and names and residence addresses of each of its current officers and directors, and of each stockholder holding more than five (5) percent of the stock of the corporation. The applicant shall provide proof that it is licensed and active in the state, by providing a computer printout, obtained by the applicant from the Florida secretary of state within two (2) months prior to the application date.

l. If the applicant is a partnership, the application shall set forth the names and residence addresses of each of the partners, including limited partners.

m. If the applicant is a limited partnership, it shall furnish a copy of its certificate of limited partnership as filed with the court clerk.

n. If one or more of the partners is a corporation, the provisions of this subsection pertaining to corporation applicants shall apply.

o. The applicant corporation or partnership shall designate one of its officers or general partners to act as its responsible managing official. Such person shall complete and sign all application forms required of an individual applicant under this section. The corporation's or partnership's responsible managing officer must at all times meet all of the requirements set forth for licenses by this section, or the corporation or partnership license shall be suspended until a responsible managing officer who does meet all such requirements is designated. If no such person is named within ninety (90) days, the corporation or partnership license is deemed canceled and a new initial application for license must be filed.

(3) *Management plan requirement.* In addition to subsection (f)(2) above the application for a primary use or accessory use amusement center license shall include a management plan which at a minimum shall set forth the following:

a. A plan for food serving establishments, not including the sale of alcoholic beverages, designed to:

1. Avoid nuisances and maintain the quiet enjoyment of the property in the immediate area;

2. Prevent loitering, as defined in this code;

3. Provide for the availability of bathroom facilities, as provided for in the Florida building code;

4. Provide for parking of bicycles, based upon a ratio of two (2) parking spaces for every machine with a maximum of ten (10) parking spaces, and the parking spaces shall be located not more that three hundred (300) feet from the entrance of the establishment;

5. Provide for safe traffic conditions, as set forth in this code regarding parking; and

6. Prohibit persons from five (5) through and including sixteen (16) years of age and under from using amusement games from 7:00 a.m. to 4:00 p.m., if school is in session, and provide for the enforcement thereof.

(Ord. No. 07-2-1; §1, 2-13-07)

7. Provide for actual hours of operation which in no event shall be later than 11:00 p.m. on Sunday through Thursday nights and 12:00 midnight on Friday and Saturday nights;

8. Minimum number of employees to be on duty at any time, insuring the presence of at least one adult, twenty-one (21) years of age or older, during hours of operation;

9. Maximum number of persons permitted on the premises, which number shall not exceed the limits established by the fire

marshal.

b. A management plan for establishments serving alcoholic beverages, whether or not food service is included, designed to:

1. Avoid nuisances and maintain the quiet enjoyment of the property in the immediate area;

2. Prevent loitering, as defined in this Code;

3. Provide for the availability of bathroom facilities, as provided for in the Florida Building Code;

4. Provide for safe traffic conditions, as set forth in this Code regarding parking;

5. Provide that no one under the age of twenty-one (21) shall be allowed within the establishment unless accompanied by an adult;

6. Hours of operation shall comply with the provisions of Section3-2 of this Code. Nothing contained herein shall be construed to waive or abridge any regulations of the State of Florida, the City of Cooper City, or any other governmental entity relating to the licensing for sale of alcoholic beverages;

7. Minimum number of employees to be on duty at any time, insuring the presence of at least one (1) adult, twenty-one years of age or older, during hours of operation; and

8. Maximum number of persons permitted on the premises, which number shall not exceed the limits established by the fire marshal.

(Ord. No. 96-5-3, §1, 5/14/96)

(4) *Investigation and recommendation.* Prior to the consideration by the city commission of any application for the operation of a primary use amusement center, the license application shall be referred to the chief of police, or his licensed designee, by the city clerk, for the purpose of investigation and the chief of police, or his licensed designee, shall be allowed twenty (20) working days to investigate and shall prepare a written recommendation for the city commission.

(5) *Transfer of license.* A license granted under the provisions of this article shall not be transferable from person to person nor place to place and shall be usable only at the place and by the person designated on the license.

(g) *Enforcement.*

(1) *Suspension and revocation of license.*

a. In addition to the reasons for suspension and revocation of occupational licenses as described in chapter 9, a license issued under the provisions of this section to an amusement center or for the operation of amusement devices may be suspended or revoked for violation of any provision of the management plan filed with the chief of police or any condition imposed by the city commission, provided written notice of the violation is provided by certified mail, return receipt requested, not less than ten (10) days before such suspension or revocation.

b. Any interested party may appeal the decision to suspend or revoke a license to the city commission by filing a written notice of appeal with the city clerk within ten (10) days of the date of the decision. The city commission shall hold a hearing on any such appeal, the decision of which shall be final.

(2) *Seizure of unlawful devices.*

a. If any person shall conduct, carry on or manage any amusement device business, or shall operate any such device without obtaining a license therefore, or shall fail to pay the license fee therefore, as provided in chapter 9, the chief of police may seize such device and hold same as security for the payment of the license fee, and until the license is obtained or remitted and if the person owning or having control of the possession of such device shall fail, within a period of thirty (30) days to apply for a license or pay any license fee due, then and in that event, the device shall be sold to satisfy the amount of license fee due the city and any device not sold shall be returned to the owner.

b. If the device is sold for a sum less than the amount of the license fee for which the operator of the device is liable, the operator shall remain liable for the balance of such license fee due and unpaid.

c. The city shall provide written notice that a license is required by certified mail, return receipt requested, to any person operating amusement games without a license. If such party fails to apply for the license within three (3) business days from the receipt of the notice, the city may seize the game being unlawfully operated.

(h) *Gambling devices not permitted.* Nothing in this section shall in any way be construed to authorize, license or permit any gambling or gambling devices not permitted by state law.

Sec. 23-87. Antennas.

(a) *Definitions.* For the purpose of this section, the following definitions shall apply:

Antenna: A device used for the reception and/or transmission of electromagnetic energy (electrical impulses with sound or picture elements).

Antenna, dish or *satellite dish*: A device for the reception and/or transmission of radio signals to and from satellites.

Antenna mast: That portion of an antenna tower which protrudes from the top of the tower to which the antenna is attached.

Antenna tower: A structure used to support an antenna at some height above the ground. Tower means a structure generally constructed of three (3) or more main metallic supporting members located at each corner of a square or equilateral triangle (when viewed from above) with diagonal face bracing either welded or bolted to the main supporting members.

Mast: A tower-like structure used to support an antenna at some height above the ground. Mast means a structure generally consisting of sections of walled (more than 0.187 inch thickness) telescoping lengths of metallic pipe like material.

Mast, push up: A tower-like structure used to support an antenna at some height above the ground. Push up mast means a structure generally consisting of sections of thin (less than 10 gauge) telescoping lengths of metallic pipe like material.

(b) *Permitting procedure.*

(1) A building permit shall be required for the construction of an antenna tower, mast or satellite dish. When applying for a building permit for the construction of an antenna tower, mast or satellite dish, either architects drawing(s), engineering drawing(s) or the manufacturers drawing(s) must be submitted to the building department, as well as proof of licensing by the Federal Communications Commission.

(2) No building permit shall be granted until plans have been approved by the building department and the antenna tower or mast on which the antenna is to be located has received conditional use approval from the city commission in accordance with section 23-152, conditional use.

(3) Individuals seeking to place a satellite dish antenna, or an antenna tower or antenna mast for use by amateur (HAM) radio operators who are licensed by the Federal Communications Commission, on a residential parcel may do so upon meeting those criteria set forth in subsection (c) below, as well as all other applicable ordinances and laws, and neither conditional use approval nor site plan approval shall be required for same.

(Ord. No. 04-10-08, §1, 10-26-04)

(c) *General provisions.*

(1) Freestanding antennas, antenna towers and dish antennas may be permitted in all zoning districts.

(2) Freestanding antennas, antenna towers and dish antennas shall not be constructed or erected in required yards, as defined in the applicable provisions of this code, and no portion of the antenna shall protrude over the side or rear property line.

(3) The antenna mast or dish antenna structure and all portions thereof shall be designed and constructed to resist the forces due to wind pressure, and such structure shall meet the minimum requirements of the Florida building code regarding wind requirements, using as criteria the wind load areas of the antenna and the antenna mast combined.

(4) Antenna towers or antenna masts for use by amateur (HAM) radio operators who are licensed by the Federal Communications Commission shall be constructed in accordance with the following provisions.

a. The height of any such permitted tower or mast and antenna shall not exceed fifty-five (55) feet when fully extended.

b. The height of any such push-up mast and antenna shall not exceed thirty-five (35) feet when descended or in a retracted position, and shall not exceed fifty-five (55) feet when fully extended.

c. The maximum permitted width of a tower shall not exceed eighteen (18) inches on a square or triangular tower.

d. The maximum permitted diameter of a mast or push-up mast shall not exceed nine (9) inches.

e. The antenna tower and all support structures and cables shall meet the same setback requirements as the principal structure.

f. The antenna and all support structures shall comply with the National Electric Code and Federal regulations governing amateur radio.

g. Landscaping shall be installed in a manner so as to maximize the screening between residential areas and the antenna and all support structures, and to minimize the view of the structure from any residential areas and public roads and right of ways.

h. Upon the FCC-licensed operator's cessation of ownership or leasehold rights in the subject antenna and support structures, or upon the loss of his or her federal amateur radio operator's license (whichever shall occur earlier), the owner or operator shall immediately remove all antenna and support structures from the parcel at no expense to the City. If a subsequent owner or leaseholder of a parcel improved with an amateur radio antenna tower or antenna mast is also licensed by the FCC, then, and in that event, the subject antenna and support structures are not required to be removed.

(5) All antennas and supporting structures associated or used in conjunction with a citizens' radio station, licensed by the Federal Communications Commission, operated from a fixed location must comply with one of the following provisions:

a. For antennas and supporting structures commencing at ground level, the antenna and its supporting structure shall not exceed twenty (20) feet in height above ground level.

b. For antennas and supporting structures mounted on a man-made structure other than a tower, mast or pole, the antenna and its supporting structure shall not exceed by more than twenty (20) feet the height of the man-made structure on which it is mounted; however, that no citizens' radio station antenna shall exceed a height of forty (40) feet from ground level.

(6) No antenna, other than a freestanding antenna or an antenna falling under the provisions of subsections (c)(3) or (c)(4) above, shall be constructed on a single-family lot to a height in excess of ten (10) feet above the peak of the roof of the residence.

(Ord. No. 04-10-08, §1, 10-26-04)

(d) *Special criteria for satellite dish antennas.*

(1) *Single-family residential restrictions*:

a. *Yard restrictions.* Satellite dishes shall be installed only in the following locations:

1. Free-standing ground dishes shall be six (6) feet from property lines, side and or rear and installed on ground only. No rooftop installations of satellite dishes are permitted, except as provided for in subsection (4) hereof.

2. No dishes shall be installed in the street yard setbacks.

3. On corner properties, no portion of the satellite dish antenna may extend beyond the plane of the wall parallel to the street side of the building structure on the property.

b. *Height restrictions.* Height shall mean the highest vertical point of any part of the satellite dish antenna in a position perpendicular to the ground.

1. The height of ground mount satellite dish antenna installation shall be no higher than fourteen (14) feet above the existing grade of the property that the dish is to be installed upon.

2. The maximum diameter of a satellite dish antenna shall not exceed twelve (12) feet if circular or twelve (12) feet at its greatest dimension, if not circular.

c. *Installation requirements.*

1. *Permitting.*

(a) Application for a permit under this subsection shall be made to the city's chief building official, and shall be accompanied by the required fees as set forth in the adopted schedule of building permit fees, and by plans and specifications and other data requested by the building official.

(b) The plans, specifications and other data to be submitted pursuant to the previous paragraph shall be sufficient to show existing structures, required minimum setbacks, proposed location of the satellite dish antenna, and proposed location of required screening and height of dish according to the provisions herein.

(c) All satellite dish antennas shall be constructed and installed in accordance with engineered drawings designed to the requirements of the city's code of ordinances and the Florida building code, Broward County edition, as same may be amended from time to time.

(d) Satellite dish antennas shall be compatible in color to the extent possible, with the appearance and character of the neighborhood and the buildings on the land where the satellite dish antenna is located. No bare aluminum dish antennas shall be permitted.

2. *Buffering.* Wherever a satellite dish antenna may be observed from an adjacent right-of-way or residentially-zoned property, one of the following buffers shall be required:

(a) The dish shall be screened with shrubs, trees, and/or foliage or other screening. A solid hedge comprised of a minimum of five (5) plants, thirty-six (36) inches on center and thirty-six (36) inches in height, minimum, at time of planting.

(b) *Fencing.* A wooden fence may also satisfy the requirements of this section and shall not exceed fence height requirements as set forth within section 21-28 of this code and shall be made of materials compatible with any other fences on the subject property or immediately adjacent properties.

(2) *Non-residential zoning districts.* All provisions of section (d) (1) above shall apply for non-residential installations. In addition, roof mounted satellite dish antennas shall be permitted subject to restrictions set forth below:

a. Specific written approval in recordable form of owner or agent of such non-residentially zoned property prior to application for required site plan amendment.

b. Proper design according to the Florida building code, Broward County edition, and engineering plans for live and dead loads.

c. Screening of all roof installations shall vertically screen the subject satellite dish antenna using materials and colors compatible with the materials and color of the existing non-residential structure design.

d. The non-residential satellite dish shall be subject to the site plan amendment procedure required according to chapter 24, subdivision and site plan review of the city's land development regulations.

e. *Height.* All non-residential roof installations shall be limited to the vertical height of the subject satellite dish antenna diameter as set forth in subsection (d)(1)(b)(2) of this section or the maximum height restriction of the subject installation's zoning district category, whichever is less.

(3) Multi-family Residential. All multi-family residential satellite dish antenna installations shall be subject to the requirements set forth in subsection (d)(1) hereinabove. Satellite dish antennas shall also be subject to site plan amendment procedures required pursuant to chapter 24 of the code. No roof mounted antenna installations shall be allowed in any multi-family zoned residential district including PUD, PRD, R-2, R-3, R-4 and TH-1, except as provided for in subsection (4) hereof.

(4) Roof mounted satellite dish antennas. Roof mounted satellite dish antennas shall be permitted in single-family and multi-family residentially zoned areas, subject to the restrictions set forth below:

a. Proper design according to the Florida Building code, Broward County edition and engineering plans for live and dead loads.

b. The size of any roof mounted dish shall not exceed twenty inches (20") in diameter.

c. All residential roof installations shall be limited to the vertical height of the subject satellite dish antenna diameter or the maximum height restriction of the subject installation's zoning district category, whichever is less.

d. The subject satellite dish may not be mounted forward of the peak or crest of the roof of the structure. If the roof of the structure is flat, then the mounting of the dish shall be subject to restriction (c) hereof; same as the height limitation of the subject zoning district.

(e) This section shall, in all cases, be construed so as to comply with all applicable federal laws and regulations relating to the construction or location of a satellite dish antenna.

Sec. 23-88. Telecommunications towers and antennas.

(a) *Intent.* The regulations and requirements of this section are intended to:

(1) Promote the health, safety and general welfare of the citizens by regulating the siting of telecommunications towers and antennas within the city; and ensure compliance with all applicable federal statutory requirements;

(2) Provide for the appropriate location and development of telecommunications towers and antennas within the city;

(3) Minimize adverse visual effects of telecommunications towers and antennas through careful design, siting, landscaping and screening and innovative camouflaging techniques;

(4) Avoid potential damage to adjacent properties from tower failure through engineering and careful siting of tower structures; and

(5) Protect residential areas and land uses from potential adverse impacts of telecommunications towers and antennas by maximizing use of any new or existing telecommunications towers through shared use, i.e., co-location, and combining to reduce the number of towers needed.

(b) *Definitions.* The following words, terms and phrases, when used in this section, shall have the meaning ascribed to them in this section, except where the context clearly indicates a different meaning:

Accessory use: A use incidental to, subordinate to, and subservient to the main use of the property. As defined in this section an accessory use is a secondary use.

Antenna: A transmitting and/or receiving device and/or relays used for wireless services that radiates or captures electromagnetic waves, including directional antennas, such as panel and microwave dish antennas, and omni-directional antennas, such as whips excluding radar antennas, amateur radio antennas and satellite earth stations.

Antenna support structure: Any building or structure, other than a tower, that can be used for location of telecommunications facilities.

Combined antenna: An antenna or an array of antennas designed and utilized to provide services for more than one carrier.

Extraordinary conditions: Subsequent to a hurricane, flood or other natural hazard or subsequent to a defective finding on a previous inspection.

Guyed tower: A telecommunications tower that is supported, in whole or in part, by guy wires and ground anchors.

Master microcell facility: A telecommunications facility consisting of an antenna (as defined above) and related equipment which is located either on a telecommunications tower or affixed to a structure in some fashion for the provision of wireless services.

Monopole tower: A telecommunications tower consisting of a single pole or spire self-supported by a permanent foundation, constructed without guy wires and ground anchors.

Panel antenna: An array of antennas designed to concentrate a radio signal in a particular area.

Roofline: The overall ridge 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 building.

Search area: The geographic area of the city in which, as determined by certified radio-frequency engineers, the applicant needs to erect or install telecommunications facilities to provide new service or to improve existing services.

Self-support lattice tower: A tapered structure broad at the base and more narrow at the top consisting of cross-members and diagonal bracing and without guyed support.

Stealth facility: Any telecommunications facility which is designed to blend into the surrounding environment. Examples of stealth facilities include architecturally screened roof mounted antennas, antennas integrated into architectural elements, and telecommunications and/or wireless services towers designed to look like light poles, flag poles, power poles, trees or other similar structures.

Stealth/camouflaged monopole: A telecommunications tower consisting of a single pole or spire self-supported by a permanent foundation, constructed without guy wires and ground anchors and designed to blend into the surrounding environment. Examples of stealth/camouflaged monopole towers, telecommunications, and/or wireless service towers designed to look like light poles, flag poles, power poles or trees.

Telecommunications facility: A combination of equipment which is located either upon a telecommunications tower or a structure which includes some form of antenna for the purpose of transmitting and receiving wireless services.

Telecommunications tower: A stealth/camouflaged monopole, monopole, self-support/lattice, or guyed tower, constructed as a free-standing structure, containing one or more antennas, used in the provision of wireless services, excluding radar towers, amateur radio support structures licensed by the FCC, private home use of satellite dishes and television antennas and satellite earth stations installed in accordance with applicable needs.

Whip antenna: A cylindrical antenna that transmits and/or receives signals in three hundred sixty (360) degrees.

(c) *Telecommunications tower sitting in certain zoning districts.* Freestanding telecommunications towers shall be located in the following order of hierarchy:

(i) City-owned property;

(ii) Industrial park, I-l district;

(iii) General business, B-3 district.

City-owned property shall take preference over privately owned property. If the proposed site is other than City-owned property, the applicant shall provide an affidavit stating that there is a demonstrated need for the placement of the facility at that location and that there is not a technically suitable location on City-owned property, available to accommodate the need. Such affidavit shall be subject to review and acceptance by the City. The City may utilize the services of a registered professional engineer or a radio frequency engineer who has at least a four-year engineering degree to confirm the affidavit. The cost of same shall be borne by the applicant.

(1) Freestanding telecommunications towers shall be deemed a permitted use on any City-owned property in accordance with an executed lease agreement acceptable to the City. The City shall have no obligation whatsoever to execute such lease even if the applicant can meet the criteria set forth herein.

The City may, as appropriate, to protect its property and the public interest, establish additional requirements beyond the minimum requirements of a permit for City-owned property. Setback and distance requirements in the City code and this section may be modified to the extent necessary to provide for the public interest as determined by the City Commission. For designated City-owned property, the City will encourage the installation of telecommunications facilities which have a minimal impact on the surrounding areas and are consistent with the development of the affected area.

(2) Telecommunications towers shall be deemed a conditional use in Industrial Park, I-1 district. Each conditional use pursuant to this subsection shall be reviewed by the City Commission to determine if said conditional use is appropriate in the area where same is to be placed, based upon the criteria set forth herein, and approval is subject to site plan review in accordance with the City code.

(3) Telecommunications towers shall be deemed a conditional use within the General Business, B-3 district. Each conditional use pursuant to this subsection shall be reviewed by the City Commission to determine if said conditional use is appropriate in the area where same is to be placed, based upon the criteria set forth herein, and approval is subject to site plan review in accordance with the City code.

(4) Towers as part of existing utility poles shall be permitted as a conditional use, subject to the approval of the City and the owner of the subject pole. No freestanding towers constructed exclusively for wireless service shall be permitted other than as provided in this section. No additional rights other than provided herein shall be deemed created by this designation.

(5) Telecommunications towers shall only be permitted on properties described in subsections (1), (2) and (3), above, which are eight (8) acres in size or greater.

(6) *Prohibitions.* The location of a new telecommunications tower on a property other than those specified in subsections (1) through (4), above, shall be prohibited.

(7) *Time limit on project completion.* Once a telecommunications tower is approved by the City, a building permit application shall be submitted within six months (180 days).

(d) *Minimum standards for development of towers.* All telecommunications towers must meet the following minimum standards:

(1) *Tower types.* To minimize adverse visual impacts, tower types shall be selected based upon the following hierarchy:

(i) Stealth/camouflaged monopole;

(ii) Monopole;

(iii) Self-support/lattice tower.

The applicant shall be required to demonstrate, in a technical manner acceptable to the City Commission, why each choice in the hierarchy cannot be used for the particular application in order to justify the selection of a tower type lower in the hierarchy.

(2) Guyed towers shall not be permitted.

(3) Prior to the issuance of a building, electrical, engineering or a construction permit, a site development plan shall be presented to the City Commission, in accordance with the site plan review procedures within this Code. To help ensure compatibility with surrounding land uses, each application for a proposed communications tower shall include the following information:

a. The exact location of the proposed tower location on a City of Cooper City Official Zoning Map;

b. The maximum height of the tower;

c. The location of the proposed tower, placed upon an aerial photograph possessing a scale of not more than one (1) inch equals three hundred (300) feet, indicating all adjacent land uses within a radius of three thousand (3,000) feet from the property lines of the proposed tower location site.

d. The names, addresses and telephone numbers of all owners of other towers or antenna support structures within the search area of the proposed new tower site, including City-owned property;

e. Written documentation that the applicant made diligent but unsuccessful efforts for permission to install or co-locate the applicant's telecommunications facilities on all towers or antenna support structures on City-owned property located within the search area of the proposed tower site;

f. A delineation of the search area needed for the coverage or capacity;

g. A line of site analysis which shall include the following information:

1. An identification of significant existing natural and man-made features adjacent to the proposed tower location, to indicate those features that will provide buffering for adjacent properties and public rights-of-way;

2. A statement as to the potential visual and aesthetic impacts of the proposed tower on all adjacent residential zoning districts;

3. An identification of specific points, measured two thousand (2,000) feet in each direction from the proposed tower from which the line of sign analysis is presented or the closest accessible public property from each of the above delineated points; and

4. A graphic illustration of the visual impact of the proposed tower, at a scale that does not exceed five (5) degrees of horizontal distance, presented from specific points identified within the line of sight analysis.

h. A report shall be submitted, prepared by a licensed professional engineer, which describes the tower height and design, including a cross-section of the structure; through rational engineering analysis demonstrates the tower's compliance with applicable standards as set forth in the building code, applicable to Broward County; and describes the tower's capacity, including number and type of antennas and dishes it can accommodate.

i. Proof of adequate insurance coverage acceptable to the City, and, if located on City-owned property, naming the City as an additional insured, for any potential damage caused by the tower. Thirty (30) days, notice of cancellation of insurance to the City is required; and

j. The City shall not enter into any lease agreement 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 telecommunications facility. Each telecommunications facility operator must further agree not to sue or seek any money or damages from the City in connection with the abovementioned matters.

2. Indemnify, defend 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 attorney's 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 telecommunications 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 the term of any agreement and continue in full force and effect as to the provider's responsibility to indemnify for as long as the tower and/or antenna remains in place.

k. Every telecommunications service provider, whether on public or private property shall establish a cash security fund or provide the City with an irrevocable letter of credit in the same amount, to secure the payment of removing an antenna or tower and any accessory or appurtenant ground facilities, that has been determined to be abandoned, which term is later defined in section 23-88 (1). The amount to be provided for each tower shall be twenty-five thousand dollars ($25,000); the amount for each antenna array shall be five thousand dollars ($5,000). In the alternative, at the City's discretion, a telecommunications service provider may, in lieu of a cash security fund or letter of credit, file and maintain with the City a bond with an acceptable surety in the amount of twenty-five thousand dollars ($25,000). The provider and the surety shall be jointly and severally liable under the terms of this bond.

l. Such other additional information as may be reasonably required by City staff to fully review and evaluate the potential impact of the proposed tower, including, but not limited to: (i) the existing cell sites (latitude, longitude, power levels) to which this proposed site will be a handoff candidate, (ii) an RF plot indicating the coverage of existing sites, and that of the proposed site, (iii) antenna heights and power levels of the proposed site, (iv) a written affidavit stating why the proposed site is necessary for their communications service (e.g., for coverage, capacity, hole-filling, etc.) and a statement that there are no existing alternative sites within the provided search area, and there are no alternative technologies available which could provide the proposed service enhancement without the tower. City staff may utilize the services of a registered professional engineering or radio frequency engineer who has at least a four-year engineering degree to confirm the statements made above. The cost of same shall be borne by the applicant.

(4) No new tower shall be built, constructed or erected in the City unless such tower is capable of accommodating, at a future date, additional telecommunications facilities owned by other persons and the tower owners agree to comply with subsection (n) hereof, Existing towers. All new towers shall be designed and built to accommodate multiple users; at a minimum, stealth/camouflaged monopole and monopole towers shall be able to accommodate three (3) users and at a minimum, self-support/lattice towers shall be able to accommodate four (4) users. As wireless technology advances, applicants may be required to construct facilities utilizing advancing technologies including, but not limited to combined antennas when determined necessary for health, safety, welfare, aesthetics and compatible with providers' technical capacity and coverage requirements. The applicant shall state in any application for permit that it will, as a condition of issuance of the permit, accommodate antenna facilities of other providers, on a nondiscriminatory basis on terms which are reasonable in the industry unless the applicant can affirmatively demonstrate, based on verifiable objective data, why it cannot do so. Refusal to continually comply with this obligation shall be a violation of this section and shall be grounds for revoking applicant's permit.

(5) *Non-interference.* Each application to allow construction of a telecommunications tower shall include a certified statement, prepared by a radio frequency engineer who has at least a four-year engineering degree or a licensed professional engineer, that the construction and placement of the tower, will not necessarily interfere with public safety communications and the usual customary transmission or reception of radio and television service enjoyed by adjacent residential and non-residential properties. A statement shall be prepared by a licensed professional engineer or a radio frequency engineer who has at least a four-year engineering degree, identifying any interference that may result from the proposed construction and placement.

(6) *Access.* A parcel of land upon which a tower is located must provide access during normal business hours to each tower location.

(7) Each application for a telecommunications tower may be required to include a statement that there is no objection from other federal or state agencies that may regulate telecommunications tower siting, design and construction. All proposed telecommunications towers shall comply with current radio frequency emissions standards of the Federal Communications Commission, or other legally regulating body. Prior to the issuance of a building permit, the applicant shall provide evidence that the telecommunications towers or antennas are in compliance with Federal Aviation Administration (FAA) regulations.

(8) Requirements in this section may be waived by the City Commission where it is determined that based upon site, location or facility, such waiver is in the best interest of the health, safety, welfare or aesthetics of the City and in the best interest of telecommunication service to the community.

(9) *Public notification.* Within thirty (30) days of its receipt by the City, notice of an application for a telecommunications tower shall be sent via certified mail to all property owners within a fifteen hundred (1500) foot radius of the affected property. This notice shall include the date, time and place of a workshop meeting to be hosted by City staff at which time the affected residents can review the application. The applicant shall provide the notification mailing labels and shall pay the City's costs for the preparation of the notification letters and the mailing as well as the cost of the certified mailing.

(e) *Height/setbacks and related location requirements.*

(1) The height of a telecommunications tower shall not exceed one hundred fifty (150) feet not including non-structural lightning rods and required safety lighting. Tower height shall be measured from the crown of the road of the nearest public street.

(2) Telecommunications towers shall at minimum conform with the setback established for the underlying zoning districts.

(3) Telecommunication towers shall not be permitted in proximity to any residentially-zoned property that is within four times (4X) the height of the tower. By way of illustration, if the tower is 150 feet, it must be at least 600 feet from any residentially-zoned property.

(4) 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.

(5) *Waiver.* The provisions of this subsection may be waived by the City Commission where it is determined that based upon site, location or facility, such waiver is in the best interest of the health, safety, welfare or aesthetics of the City or compliance with other regulations, and in the best interest of telecommunications service to the community.

(f) *Buffering.*

(1) Notwithstanding the provisions of Section 23-90 of this code, an eight (8) foot high fence or wall, as measured from the finished grade of the site, shall be required around the tower and any accessory buildings or structures. In no case will barbed wire or razor wire fencing be permitted. Access to the tower shall be through a locked gate.

(2) Landscaping, consistent with the requirements of the City code, shall be installed around the entire perimeter of any fence or wall. Additional landscaping may be required around the perimeter of a fence or wall and around any or all anchors or supports if deemed necessary to buffer in order to enhance compatibility with adjacent residential and non-residential land uses. Landscaping shall be installed on the outside of the perimeter fence or wall.

(g) *High voltage, "No Trespassing" and other warning signs.*

(1) If high voltage is necessary for the operation of the telecommunications tower or any accessory structures, "HIGH VOLTAGE -- DANGER" warning signs shall be permanently attached to the fence or wall and shall be placed no more than forty (40) feet apart.

(2) "NO TRESPASSING" warning signs shall be permanently attached to the fence or wall and shall be spaced no more than forty (40) feet apart.

(3) The letters for the "HIGH VOLTAGE -- DANGER" and "NO TRESPASSING" warning signs shall be at least six (6) inches in height. The two (2) warning signs may be combined into one (1) sign. The warning signs shall be installed at least five (5) feet above the finished grade of the surrounding area.

(4) The warning signs may be attached to freestanding poles if the content of the signs may be obstructed by landscaping.

(5) Signs noting Federal Registration (if required) shall be attached to the tower structure in compliance with federal regulation.

(h) *Equipment storage.* Mobile or immobile equipment not used in direct support of a telecommunications facility shall not be stored or parked on the site of the telecommunications facility, unless repairs to the facility are being made. Portable emergency generators may be temporarily located at a telecommunications facility in the event of a power outage but must be removed upon resumption of power. Portable "crank-up" or otherwise mobile telecommunications facilities may not be located at a telecommunications facility. Nothing in this section shall preclude the placement of a permanent generator on-site provided that the generator meets the criteria set forth in the City code and is in compliance with the building code, applicable to Broward County.

(i) *Removal of abandoned or unused facilities.* All abandoned or unused telecommunications tower facilities shall be removed by the tower owner/operator within ninety (90) days from being considered abandoned. A tower shall be considered abandoned if use has been discontinued for one hundred eighty (180) consecutive days. Telecommunications towers being utilized for other purposes, including but not limited to light standards and power poles, may be exempt from this provision where superseded by the requirements of other county, state or federal regulatory agencies.

(j) *Signs and advertising.* The use of any portion of a tower for signs or advertising purposes, including but not limited to, a company name, banners, streamers, religious icons, etc., shall be strictly prohibited.

(k) *Accessory buildings or structures.* All accessory buildings or structures shall meet all building design standards as set forth in the City code and in accordance with the provisions of the building code, applicable to Broward County. All accessory buildings or structures shall require a building permit.

Accessory structures shall be designed to resemble the basic design of the principal use or be designed to resemble the neighborhood's basic building design. In no case will metal exteriors be allowed for accessory buildings.

(l) *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.

(m) *Inspection report required.*

(1) Telecommunications tower owners shall submit a report to the City Manager, or his/her designee, certifying structural and electrical integrity once every two (2) years.

(2) Inspections shall be conducted by an engineer licensed to practice in the State of Florida. The results of such inspections shall be provided to the City Manager or designee. Based upon the results of an inspection, the City Manager or designee may require repair or removal of a telecommunications tower.

(3) The City may conduct periodic inspections with the cost of such inspection paid by the tower owner of the telecommunications tower(s) to ensure structural and electrical integrity. The owner of the telecommunications tower may be required by the City to have more frequent inspections if there is evidence that the tower has a safety problem or is exposed to extraordinary conditions.

(n) *Existing towers.*

(1) All telecommunications towers existing on the effective date of this Section (July 16, 2002) which do not meet the requirements of this section shall be considered legally nonconforming under this Section and allowed to continue their legal usage as they presently exist, with the exception of Federal regulations relating to the health and safety of exposure levels as defined by the Occupational Safety and Health Act as amended and radio frequency (RF) exposure levels as defined by Federal Communications Commission regulations. Any modification of a legal nonconforming tower must be submitted for review per subsection (d) hereof; however, approval may be granted by the City Commission. New construction other than routine maintenance on an existing telecommunications tower shall comply with the requirements of this Section.

(2) Notwithstanding the above provisions of this Section, telecommunications antennas may be placed on existing towers with sufficient loading capacity after approval by the City Manager or designee. The capacity shall be certified by an engineer licensed to practice in the State of Florida.

(3) Any owner of land upon whose parcel of land a tower is located, which contains additional capacity for installation or co-location of telecommunications facilities in the discretion of the property owner, shall allow other persons to install or co-locate telecommunications facilities on such a tower subject to reasonable terms and conditions negotiated between the parties and subject to the terms of the original tower agreement.

(4) An existing tower may be modified to accommodate co-location of additional telecommunications facilities as follows:

a. Application for a development permit shall be made to the City Manager or designee who shall have the authority to issue a development permit without further approval by the City Commission, provided the new facilities do not require any expansion of the existing footprint on the approved site plan.

b. The total height of the modified tower and telecommunications facilities attached thereto shall not exceed the pre-modification height approved for that location.

c. A tower that is being rebuilt to accommodate the co-location of additional telecommunications facilities may be moved on-site subject to the setback requirements of the zoning district where the tower is located.

d. Additional antennas, communication dishes and similar receiving or transmission devices proposed for attachment to an existing telecommunications tower, or relocation of an existing tower, shall require review of the City Commission. The application for approval to install additional antennas shall include certification from an engineer registered in Florida indicating that the additional device installed will not adversely affect the structural integrity of the tower. A visual impact analysis shall be included as part of the application for approval to install one (1) or more additional devices to an existing tower. However, addition of up to two (2) antennas per section, of similar profile to those existing on an existing antenna tower by a provider previously permitted to utilize that specific tower, shall not require review of the City Commission. Applicants must still demonstrate the structural integrity of the tower with the additional antennas to the City prior to construction.

(o) *Permit fees, application and inspection fees required.*

(1) *Permit required.* Construction without a City building permit is prohibited. No construction shall be started until a permit to construct has been granted by the City Manager or designee. At the time of filing the construction drawings and documents referred to herein, the developer or owner or applicant, as the case may be, shall provide a detailed cost analysis of the cost of construction of the telecommunications facilities covered by this section. The applicant, developer, or owner, as the case may be, shall pay the City permit fees in accordance with the adopted schedule of permit fees.

(2) *Inspection fee required.* A biennial inspection fee in the amount necessary to cover the costs of the inspection process is due to the City at the time of inspection.

(p) *Maintenance.*

(1) Providers shall at all times employ ordinary and reasonable care and shall install and maintain in use nothing less than commonly-accepted methods and devices for preventing failures and accidents which are likely to cause damage, injuries, or nuisances to the public.

(2) Providers shall install and maintain towers, telecommunications facilities, wire cables, fixtures and other equipment in substantial compliance with the requirements of the National Electric Safety Code and all FCC, state and local regulations, and in such manner that will not interfere with the use of other property.

(3) All towers, telecommunications facilities and antennas support structures shall at all times be kept and maintained in good condition, order, and repair so that the same shall not menace or endanger the life or property of any person.

(4) All maintenance or construction on a tower, telecommunications facilities or antenna support structure shall be performed as provided by law.

(5) All towers shall maintain compliance with current radio frequency emissions standards of the FCC.

(6) In the event any portion of the use of the tower is discontinued by any provider, that provider shall provide written notice to the City of its intent to discontinue use and the date when the use shall be discontinued.

(q) *Antennas not located on telecommunications towers.*

(1) Stealth and non-stealth rooftop or building-mounted antennas not exceeding twenty (20) feet above roofline and not exceeding ten (10) feet above maximum height of applicable zoning district shall be permitted as a conditional use in the following districts:

a. City-owned property, regardless of zoning district;

b. Industrial Park, I-l District; and

c. General Business, B-3 District.

(2) The approval of any antenna not located on telecommunications towers shall be subject to site plan review in accordance with the provisions of this code showing that the minimum standards as specified in this section have been met.

(3) City-owned property shall take preference over privately-owned property. If the proposed site is other than City-owned property, the applicant shall provide an affidavit stating that there is a demonstrated need for the placement of the facility at that location and that there is not a technically suitable location on City-owned property available to accommodate the need. Such affidavit shall be subject to review and acceptance by the City. The City may utilize the services of a registered professional engineer or a radio frequency engineer who has at least a four-year engineering degree to confirm the affidavit. The cost of same shall be borne by the applicant.

a. Stealth and non-stealth building-mounted antennas shall be deemed a permitted use on any City-owned property in accordance with an executed lease agreement acceptable to the City. The City shall have no obligation whatsoever to execute such

lease even if the applicant can meet the criteria set forth herein. The City may, as appropriate, to protect its property and the public interest establish additional requirements beyond the minimum requirements of a permit for City-owned property. Setback and distance requirements in the City code may be modified to the extent necessary to provide for the public interest, as determined by the City Commission. For designated City-owned property, the City will encourage the installation of telecommunications facilities which have a minimal impact on the surrounding areas and are consistent with the development of the affected area.

(4) *Minimum standards.* Building-mounted antennas shall be subject to the following standards:

a. No commercial advertising or religious icons shall be allowed on an antenna;

b. No signals, lights, or illumination shall be permitted on an antenna, unless required by the Federal Aviation Administration.

c. Any related unmanned equipment building shall not contain more than seven hundred fifty (750) square feet of gross floor area or be more than twelve (12) feet in height; and

d. If the equipment building is located on the roof of the building, the area of the equipment building shall not occupy more than twenty-five percent (25%) of the roof area.

e. Each application shall contain a rendering or photograph of the antenna including, but not limited to, colors and screening devices. This shall be subject to administrative approval for consistency with the definition of stealth facility.

f. Antennas shall only be permitted on buildings which are at least thirty (30) feet in height.

g. Antennas may not exceed more than ten (10) feet above the highest point of a roof. Stealth antennas attached to but not above rooftop structures shall be exempt from this provision.

h. Antennas and related equipment buildings shall be located or screened to minimize the visual impact of the antenna upon adjacent properties and shall be of the material or color which matches the exterior of the building or structure upon which it is situated.

i. When located on building facade, building mounted antennas shall be painted to match the existing building.

j. Requirements in this section may be waived by the City Commission where it is determined that based upon site, location or facility, such waiver is in the best interest of the health, safety, welfare or aesthetics of the City and in the best interest of telecommunications service to the community.

(5) *Antenna types.* To minimize adverse visual impacts, only stealth type antennas are permitted to be mounted on buildings.

(6) *Antenna dimensions.* A statement shall be submitted, prepared by a professional registered engineer licensed to practice in the State of Florida, or a radio frequency engineer who has at least a four year engineering degree, who is competent to evaluate suitability of antenna types, to certify the need for required dimensions.

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

(r) *Shared use of communications towers.*

(1) Notwithstanding any other provision of this section, to minimize adverse visual impacts associated with the proliferation and clustering of telecommunications towers, co-location of facilities on existing or new towers shall be encouraged by:

a. Only issuing building permits to approved shared facilities at locations where it appears there may be more demand for towers than the property can reasonably accommodate; or

b. Giving preference to approved shared facilities over other facilities in authorizing use at particular locations.

(2) No development approval to develop, build, construct or erect a tower pursuant to this section shall be granted to any person on the basis that it is economically unfeasible for such person to co-locate or install its telecommunications facilities on a tower or antenna support structure owned by another person.

(3) Co-location of communications antennas by more than one (1) provider on existing or new telecommunications towers shall take precedence over the construction of a new single-use telecommunications tower. Accordingly, each application for a telecommunications tower shall include the following:

a. A written evaluation of the feasibility of sharing a telecommunications tower, if appropriate telecommunications towers are available. The evaluation shall analyze one (1) or more of the following factors:

1. Structural capacity of the towers;

2. Radio frequency interference;

3. Geographical search area requirements;

4. Mechanical or electrical incompatibility;

5. Inability or ability to locate equipment on the tower or towers;

6. Availability of towers for co-location;

7. Any restrictions or limitations of the Federal Communications Commission that would preclude the shared use of the tower;

8. Any additional information requested by the City.

b. The City may deny an application if an available co-location is feasible and the application is not for such co-location.

c. For any telecommunications tower approved for shared use, the owner of the tower shall provide notice via certified mail of the location of the telecommunications tower and sharing capabilities to all other wireless tower users in Broward County.

d. The owner of any telecommunications tower approved for shared use shall cooperate and negotiate fairly with all other possible tower users regarding co-location leases.

e. Requirements in this section may be waived by the City Commission where it is determined that based upon site, location, or facility, such waiver is in the best interest of the health, safety, welfare or aesthetics of the City and in the best interest of telecommunications service to the community.

(4) *Co-location application fee required.* A filing fee in the amount necessary to process the co-location application shall be submitted upon the application for co-location approval.

(s) *Payment to City for telecommunications towers and antennas.* All monies received for the leasing of City property for telecommunications towers and antennas shall be deposited in the City's general fund.

(t) *Waiver.* Any provision of this section may be waived by the City Commission where it is determined that based upon site, location or facility, such waiver is in the best interest of the health, safety, welfare or aesthetics of the City or compliance with other regulations, and in the best interest of telecommunications service to the community.

(u) *Agreement.* No site development permit granted hereunder shall be effective until the applicant and the City have executed a written agreement setting forth the particular terms and provisions under which the permit to occupy and use public lands of the City will be granted.

(v) *Lease payment to City.* Each permit granted under this section is subject to the City's right, which is expressly reserved, to annually, by resolution, fix a fair and reasonable lease payment to be paid for the public property rights granted to the permittee, provided, nothing in this section shall prohibit the City and permittee from agreeing to the lease payment to be paid.

(w) *Rights granted.* No permit granted under this section shall confer any exclusive right, privilege, permit or franchise to occupy or use the public lands of the City for delivery of telecommunications services or any other purposes. No permit granted under this section shall convey any right, title, or interest in the public lands, but shall be deemed a permit only to use and occupy the public lands for the limited purposes and term stated in the grant. Further, no permit shall be construed as any warranty of title.

(Ord. No. 2002-07-02, § 2, 7-16-02)

Sec. 23-89. Boat landings, docks, piers.

(a) Boat landings, docks, piers and mooring posts may be constructed within required yards adjacent to the waterline, and shall be constructed only in accordance with plans and specifications therefor approved in writing by the building department.

(b) No boathouse shall be constructed on or adjacent to any of the waterfront lots in the city; nor shall any boat canal be dug or excavated into any of the waterfront lots without the same being approved in writing by the building department as to location, design, height, etc., and the building department shall have the express right to refuse the construction thereof.

(c) No vessel or boat shall be anchored off-shore in any of the waterways adjacent to the city so that the same shall in anywise interfere with navigation.

(d) Approval from the Central Broward Water Control District shall be required.

Sec. 23-90. Fences, walls and hedges.

(a) Applicability: All fences, walls and hedges shall be regulated by the provisions contained in this section.

(b) Permit: All fences and walls shall require a building permit prior to the installation or erection and, prior to the issuance of such permit, plans for the fences, or walls shall be determined to be in compliance with the requirements of this section and all applicable requirements of the city’s code, and the South Florida building code. Application for such permit shall accurately identify the property upon which the fence, wall or hedge is to be placed, and the actual location on the property of the fence, wall or hedge which shall be clearly inside of the property line.

(c) *Materials:* All fences and walls shall be constructed of materials appropriate to their purpose and location. Treated wood, concrete/masonry, chain link, or similar materials as approved by the building department are permitted. Provided, however, that barbed wire, oriented in toward the property on which the fence is located, shall be permitted in U-1 (utility) district, CS (community services) district, and on any other municipally-owned property, regardless of the zoning district designation, such fence to be shielded by hedge material and/or landscaping; and further providing that barbed wire shall not be installed on fences of less than eight (8) feet in height nor on fences surrounding swimming pools. Applicants are encouraged to use recycled plastic and/or other attractive, non-deteriorating materials. All walls shall have, at minimum, a “drip edge” detail at the top of the wall to prevent water damage. The chief building official or his designee shall make all final decisions as to the design and materials for fences or walls.

(1) Rear or side yard concrete masonry walls on double frontage residential lots shall be maintained by the property owner, as specified herein.

a. The property owner shall maintain said wall in a clean condition, free from cracks greater than 1/16 of an inch in width, graffiti, peeling paint and missing materials.

b. When repainting is needed, the wall shall be repainted with "Sherwin Williams Creamy White" (No. SW2445) and the trim shall be repainted with "Glidden The Hunt" (No. 03884), or a product identical in color, shade and hue.

(d) *Easements and rights-of-way:* No fence, wall or hedge may be located within any easement or right-of-way or enclose any water meter box, manhole, fire hydrant and/or utility pole except as follows:

(1) No fence, wall or hedge shall be located within any public or private right-of-way, right-of-way easement, utility or drainage easement, unless specifically authorized by the city engineer and public works director, and/or the holder of the easement.

(2) No fence, wall or hedge shall enclose a water meter box, manhole, fire hydrant, and/or utility pole unless specifically authorized by the city engineer.

(3) Fences, walls and hedges may be permitted within utility and drainage easements subject to:

a. A suitable gate or opening being provided which enables access to any utilities, meters or like facilities;

b. The right of the city to remove, without cost or obligation to replace or restore, any such fence or wall and landscaping as may be necessary to maintain the utilities located in the easement;

c. Easement agreement from easement holders — Florida Power and Light, Central Broward Water Control District, the authorized franchise phone company, the authorized franchise cable company, the city's utility department, etc.; and

(Ord. No. 06-07-03, § 1, 07-25-06)

d. Approval of plans showing that fence, wall or hedge will not interfere with or cause damage to any utilities located in said easement.

(e) *Orientation:*

(1) Fences and walls shall be oriented so that the side of the fence or wall facing or viewable from a street right-of-way or an adjoining property is the finished side, with all support posts and stringers facing inward toward the property upon which the fence or wall is located. However, as determined by the building official or designee, if access to a portion of a fence is wholly or partially blocked by a building, fence, wall or other structure or by foliage which conceals the fence proposed to be constructed, located upon adjoining property and adjacent to, but not necessarily abutting, the property line, the support posts for that portion of the fence, but not the stringers, may be installed on the outside of the fence, facing away from the property upon which the fence is located.

(2) All fences constructed on residential lots in yards which abut a public or private road right-of-way and are along an uninterrupted line of fencing of double frontage lots (i.e., double frontage lot rear fences and street side yard fences associated with those double frontage lot rear fences), subsequent to the effective date of this section (July 25, 2006), shall be shadowbox design on the exterior street-side view with a natural wood appearance in order to maintain visual continuity along the streetscape of the double frontage lots. Where adjacent roadway or sidewalk construction or improvements have modified the uninterrupted shadowbox fence adherence criteria, an alternative fencing material may be substituted for the shadowbox design where it is of compatible color and design to the modified condition or where it will blend with the adjacent fence material to maintain visual continuity along the streetscape. Any duly-recorded covenants and restrictions or Homeowners' Association regulations otherwise filed with the city governing the uniform and perpetual maintenance of fences as a specific design shall prevail with regard to this provision. Fences of other construction which were legally constructed prior to the effective date of this section shall comply with the non-conforming use provisions contained within Section 23-156 of this code. Provisions of this section shall supersede fence requirements of Section25-72(d), provided such fences shall match finish/color to that which exists in the existing fence line directly to each side of that which is to be installed. (Ord. No. 18-7-1, § 2, - -18)

(f) *Height and location on lot.* Fence and wall heights shall be measured from the existing finished first floor level and the top of the fence or wall shall not exceed six (6) feet above the said first floor level nor exceed seven (7) feet above grade when abutting a residential lot. For double frontage lots along SW 100th Avenue between SW 49th Street on the north to SW 53rd Street on the south, fence and wall heights along rear property lines may not exceed six (6) feet as measured from the finished elevation of the abutting sidewalk. For the safety of the adjacent roadways and neighborhood: (Ord. No. 14-4-2, § 2, 4-22-14)

(1) No fence, wall or hedge will be allowed to be installed or constructed within the setback area from a street right- of-way, except as provided for in subsection (3) hereof. (Ord. No. 06-07-03, §1, 7-25-06)

(2) No fence or wall will exceed six (6) feet in height, except as permitted in subsection (f) above or subsection (j)(2) below. Any fence or wall which exceeds six (6) feet in height shall require a signed plan from a licensed architect or engineer. (Ord. No. 98-8-1, § 1, 8-11-98; Ord. No. 14-4-2, § 2, 4-22-14; Ord. No. 19-6-1, § 2, - -19)

a. Fences or walls in U-1 (utility) district, CS (community services) district, on any municipally-owned property regardless of its zoning district designation, and surrounding swimming pools that are open and available for public or semi-private use (i.e., swimming pools in common areas owned by homeowners' associations for the exclusive use of the residents and invitees of the subdivision), shall be permitted to be (8) feet in height.

(3) On a corner lot in a residential district, fences, walls or hedges may be erected in the side yard abutting the street. On corner lots in a residential district, the location of fences, walls and hedges shall conform to district regulations, except if the fence, wall or hedge will not obstruct the view of a driver approaching the intersection, only then may be the fence, wall or hedge be brought out to the property line, but may never extend past the front of the house. When the corner lot is other than rectangular in shape, prior approval by the building official and the police chief, or their designees, shall be required to ensure adequate vision to a driver of a vehicle.

(4) Where a hedge is required to screen an off-street parking area or other vehicular use area from a public right-of-way or abutting property in a residential district, the hedge shall be maintained at height of not less than four (4) feet. Provided, however, that where hedge materials are planted within thirty (30) inches of a free-standing masonry wall, the hedge shall be maintained at a height equal to the height of the wall. This section is not intended to amend the provisions of the landscaping code which shall prevail as to the minimum required height of hedges at the time of installation. Property owners, including homeowners' association, which violate the provisions of this section, shall be subject to an administrative fine of $300 per violation, said fine to be expended on the purchase and installation of additional plant materials within the development or property subject to the fine.

a. For purposes of this section, the following definitions shall be applicable:

i. A violation shall be determined if forty percent (40%) or more of any mature, continuous, contiguous hedge, exclusive of any breaks or interruptions for the display of architectural detailing pursuant to subsection b, below, is trimmed below the height of the adjacent freestanding masonry wall.

ii. Hedge shall be defined as a continuous row of plantings including the following plant materials:

Botanical Name *Common Name*

Allamanda neriifolia Shrub Allamanda

Schefflera arboricola Dwarf Schefflera

Conocarpus erectus Green Buttonwood

Conocarpus e. "sericeus" Silver Buttonwood

Chrysobalanus icaco Cocoplum

Hedge Eugenia uniflora Cherry Hedge

Ficus benjamina Ficus Hedge

Galphimia gracilis Thyrallis

Hamelia patens Firebush

Hibiscus rosa sinensis Hibiscus

Hedge Ixora "nora grant" Ixora Hedge

Jatropha hastata Jatropha

Ligustrum lucidum Glossy Privet

Murraya paniculata Orange Jasmine

Myrica cerifera Wax Myrtle

Nerium oleander Oleander Hedge

Podocarpus macrophyllus Japanese Yew

Syzygium peniculatum Myrtifolia

Viburnum odoratissmum Sweet Viburnum

Viburnum suspensum Sandankwa Viburnum

b. Exemption: In any case where a free-standing masonry wall includes a particular architectural feature (including but not limited to a line of accent tiles or color within twelve (12) inches of the top of the wall, or an interruption in the wall for decorative fencing), hedges may be maintained at a height lower than the height of the wall to ensure visibility of such architectural feature, not to exceed six (6) inches below the level of the architectural feature. (Ord. No. 01-1-4, §1, 1-23-01)

In instances where there are extraordinary circumstances or conditions, the chief building official shall be entitled to determine the beginning elevation and height of the fence, wall or hedge.

(g) *New double frontage lots*: The city code specifically prohibits double frontage lots, however, should the city commission waive the prohibition of double frontage lots as provided in section 24-63(a) of this code, then the following conditions shall affect a fence or wall constructed at the rear yards of such lots:

(1) A landscaped buffer zone shall be required as set forth in section25-42 of the City code.

(2) The fence or wall shall be constructed at the rear of the required "buffer zone" from the street right-of-way. The fence shall be constructed in shadowbox design with a natural wood appearance. (Ord. No. 06-07-03, §1, 7/25/06)

(3) Any fence or wall constructed by any developer of a subdivision subsequent to the date of the adoption of this code section shall provide for a homeowners' association or similar owner association which shall be responsible for the maintenance of the "buffer zone" landscaping and irrigation and the fence or wall.

(h) *Landscaping and irrigation.* Fences and walls located within a setback area from a street right-of-way shall be landscaped and irrigated on the outside, or right-of-way side, of the fence or wall in accord with all provisions and specifications contained in this subsection and in accord with a landscape plan approved by the city commission or the public works director or his designee, as provided in the City code. All plant materials shall be maintained by the property owner in a healthy and orderly condition; any materials not so maintained may be ordered to be replaced at the direction of the code enforcement officer. Any landscaping in proximity to a public sidewalk shall be maintained so that none of the landscaping encroaches upon the sidewalk. All required plant materials shall adhere to the following:

(1) Shrubs or hedges shall be planted along the lineal distance of the fence or wall generally parallel to the street right-of-way.

(2) All fences and walls located within a setback area from a street right-of-way shall be provided with an opening or gate of sufficient width to allow access outside of the area enclosed by the fence or wall to such right-of-way for the purpose of facilitating maintenance of any required landscaping, irrigation and the street right-of-way.

(3) Shrubs shall be planted at a minimum height of two (2) feet so as to achieve a minimum maintained height of three (3) feet upon maturity, achieve a density so as to obscure the fence or wall and maintained no higher than the fence or wall.

(i) *Maintenance.* All fences, walls and hedges installed or constructed pursuant to this section shall be maintained as set forth in the approved plans and in a structurally sound and aesthetically attractive manner. Specifically:

(1) A fence or wall shall be maintained in a vertical position, and shall not be allowed to sag or lean at more than ten (10 degrees from vertical, unless the fence or wall is specifically designed and permitted to be maintained at such an angle.

(2) Each support post or footer shall be solidly attached to the ground.

(3) Each fence stringer shall be securely fastened to the support posts and face of the fence.

(4) Each fence face shall be securely fastened to the support post and fence stringers; and

(5) All fence or wall surfaces shall be painted, stained, treated or otherwise maintained so as to present a uniform appearance; however, this section is not intended to prohibit the maintenance of fences in which a deteriorated section of the fence is replaced with new material which will take some time to “age” or “weather” to replicate the appearance of the original fence. All fence’s finish/color shall

match that which exists in the existing fence line directly to each side of that which is installed or to be installed. Provided, however, this shall not apply if the applicant replaced the fence with recycled plastic or other non-deteriorating materials.

(6) All walls shall be maintained in a clean condition, free from cracks greater than 1/16th of an inch in width, dirt, grime, stains, graffiti, peeling paint and missing materials, and mildew, discoloration, fading, mold and be aesthetically pleasing to surrounding properties, and shall be in good repair. All walls finish/color shall match that which exists in the existing wall line directly to each side of that which is installed or to be installed.

(7) When any single sight view of a fence or wall is subject to any of the abovementioned deficiencies, then the owner shall upon notice by the city take immediate steps to correct the violation.

(j) *Miscellaneous provisions:*

(1) The following persons shall be responsible for the implementation of the provisions of this section of the code:

a. Any person whom the current real estate property tax rolls of the Broward County Property Appraiser's Office reflects hold a legal interest, or

b. A person with a recognizable legal interest in the premises, or in control of a dwelling or part of the premises with or without the legal consent of the true owner.

(2) Non-residential zone classifications, either directly or across an alley, street, drainage ditch or waterway, from residential districts, must have a seven (7) foot wall constructed on the boundary lines of the property so abutting such residential districts. Such wall must be constructed of concrete masonry, and its height shall be measured from the highest adjacent grade. The chief building official shall make all final decisions as to the appropriate height of the wall. (Ord. No. 06-07-03, § 1, 7/25/06; Ord. No. 19-6-1, § 2, - -19)

(3) Requirements of this section may be superseded on projects subject to design approval by the city commission.

(4) The city commission, in considering any subdivision plat, may require that masonry walls be constructed for screening purposes, and may fix the height of said wall, which height may exceed the limitations set forth in this chapter when the wall is required for screening purposes. The city commission in requiring a wall be constructed for screening purposes, may take into consideration the following:

a. Design of wall for appearance;

b. Location of wall; and

c. Impairment of visibility at streets or driveways.

d. Appropriate landscaping and irrigation.

(5) Those properties located within a subdivision which, in conjunction with the approval of the subdivision, were required to have a fence, wall or hedge shall not be permitted any additional or substitute fences or walls which otherwise contravene the general purpose and uniformity afforded by the plan.

(k) *Notice and penalties:*

(1) In enforcing the provisions of this section against residential premises, the city may utilize those procedures set forth in code section 6-43 through 6-45 by citing the property owner and/or the occupant of the affected property.

(2) The provisions of this section shall be in addition to such other remedies as may be provided by law or ordinance. The violation of, or failure to comply with any provisions of this section, shall subject the offender, upon conviction, to a fine not to exceed five hundred dollars ($500.00).

(3) Under the provisions of this section, each day a violation of this section exists shall constitute a separate offense and shall be subject to a separate penalty.

(Ord. 98-1-1, § 1, 1-13-98)

Sec. 23-91. Building design standards.

(a) *Similarity of building design prohibited.* No building permit for any structure for which a building permit is required shall be issued unless it has been found as a fact by the building official after a view of the site of the proposed structure and an examination of the application papers for a building permit, which shall include exterior elevation of the proposed structure, that the exterior architectural appeal and functional plan of the proposed structure will, when erected, not duplicate nor be so similar to either the exterior architectural appeal and functional plan of the structures already constructed or in the course or construction, that are within five hundred (500) feet or six (6) lots, whichever is the lesser, of the proposed structure on the same side of the street, as to cause a substantial depreciation in the property values of the neighborhood area. In making such determination of design similarity, the following factors shall be considered by the building official:

(1) A duplication of similarity in the massing of the front of the structure;

(2) A duplication or similarity in roof style;

(3) A duplication or similarity in car storage area.

(b) *Major changes.* Should the building official make such a determination of design similarity, the building official may consider any one of the following three (3) major changes, in conjunction with the required minor changes, as evidencing sufficient change in similar or duplicate structures:

(1) A plan change which will affect the massing of the front of the structure in such a manner so as to cause a perimeter change or the addition or elimination of two (2) or more corners. The height of any such wall to be classified as a perimeter wall shall be from ground line to soffit line.

(2) A definite change in roofing framing by changing the style (hip to gable, etc.), or the addition of a cupola or a minimum change in

roof pitch of one (1) inch of vertical rise per twelve (12) inches of horizontal run.

(3) A definite change in car storage that involves position and direction of entrance; or, if direction of entrance remains the same, the car storage area shall move forward or backward a minimum of eight (8) feet for a flat roof.

(c) *Minor changes.* Each of the following shall constitute a unit of minor change in a structure:

(1) Change of room similarities; one out of five (5) structures;

(2) Change of roof material or shape or material;

(3) Change of extent of overhang or distinctive change of shape of overhang;

(4) Garage instead of carports involving area change or vice-versa;

(5) Change of exterior wall texture;

(6) Change of exterior wall pattern;

(7) Change of exterior wall materials;

(8) Change of area of exterior wall texture, pattern and materials;

(9) Use of walls and fences;

(10) Change of exterior wall color;

(11) Change in fenestration;

(12) Change in type of windows;

(13) Change in design details such as depth of cornice boards, soffit materials, shutters, garage door, etc.;

(14) Change in landscaping materials and plan; sketch required;

(15) Use of grilles;

(16) Use of planters;

(17) Use of patio;

(18) Use of walks.

(d) *Acceptable combinations of major and minor changes.* The following combinations will be acceptable as evidencing sufficient change in similar or duplicate structures, provided that a different front entrance detail should be required with each combination:

(1) Subsection (b)(1) and four (4) units of subsection (c);

(2) Subsection (b)(2) and four (4) units of subsection (c);

(3) Subsection (b)(3) and four (4) units of subsection (c);

(4) Subsections (b)(1) and (b)(2) and two (2) units of subsection (c);

(5) Subsections (b)(3) and (b)(2) and two (2) units of subsection (c).

(e) *Review by planning and zoning board.* The building official shall request a meeting of the planning and zoning board to consider applications for building permits that have been found to comply in all respects with all other ordinances of the city, but for which a building permit has been refused because in the building official's opinion the proposed structure, is similar to adjacent structures according to the criteria of subsection (a).

(f) *Hearing.* The planning and zoning board shall, if requested by the applicant for the building permit, hear the applicant for the building permit in question and/or the owner of the plat on which it is proposed to erect the structure in question, together with any other persons who are residents or property owners desiring to be heard, giving such notice of the hearing as the board may deem sufficient. Such hearing may be adjourned from time to time but for not more than forty-eight (48) hours, and within forty-eight (48) hours after the close of the hearing the planning and zoning board shall, in writing, make or refuse to make the finding required by subsection (a), and file it in the office of the city clerk, who shall forthwith send a copy of it to the building official.

(g) *Appeal to Commission.* The decision of the planning and zoning board on any matter considered herein shall be final; provided, however, the applicant for the building permit and/or the owner of the lot on which it is proposed to erect the structure in question, may appeal the decision of the planning and zoning board to the city commission, by filing an appeal, in writing, with the city clerk within fifteen (15) days of the date of the filing of the findings by the planning and zoning board with the city commission. The appeal shall state briefly the grounds for the appeal and shall be placed on the agenda of the next regular meeting of the city commission for the purpose of scheduling a hearing thereon. The hearing shall be scheduled by the commission for a date and time not later than the next following regular meeting of the commission.

(h) *Reroofing of multi-unit structures.* At the time of repair or replacement of roofs on all duplex, townhouse and/or multiple-family dwellings that have attached or continuous roofs, the new roof area shall be installed in the identical color and materials as the existing roof. Should all unit owners repair or replace their roof area concurrently, they may deviate from the original color and roof material; so long as the new roof is identical throughout the structure.

(Ord. No. 06-07-02, § 1, 07-25-06)

Sec. 23-92. Building sites.

(a) No lot shall at any time be divided into more than one (1) building site.

(b) A single lot together with one or more contiguous lots in the same block may be used for one building site. The yard requirements

of the zoning district shall apply only to the exterior property lines of such a building site.

Sec. 23-92.1. Bicycle racks.

In all new, non-residential developments, site plans shall include the location of bicycle racks appropriate in size to serve the non-vehicular needs of the proposed development. Said bicycle racks shall be located in an area convenient to the proposed facility, outside of vehicular use areas to avoid conflicts with vehicular traffic. In the event of a dispute over the appropriate size and location, the Planning & Zoning Board shall determine such issues.

(Ord. No. 00-10-8, §1, 10-24-00)

Sec. 23-93. Reserved.

(Ord. No. 06-10-4, § 1, 10-24-06)

Sec. 23-94. Circuses, carnivals, outdoor shows.

A circus, carnival or outdoor show in the E-3, E-2, E-1, R-1-A, R-1-B, R-1-C and R-1-D districts shall be subject to the following supplementary regulations.

(a) Circuses, carnivals, outdoor shows, amusement parks, devices and exhibitions and all such operations, avocations or businesses operating under tents or in temporary buildings or structures shall not be permitted, in the city except upon approval of the chief of police and city commission.

(b) Nothing contained in this section is intended to apply to local shows or amusements held in theaters, auditoriums or buildings in the city; it being intended hereby that this section apply to traveling shows, carnivals, fairs, exhibitions, and the like, which operate for a temporary period.

Sec. 23-95. Community assembly, church or place of worship.

(a) Community assembly uses and church or place of worship uses in whatever residential zoning districts permitted herein and the A-1, P-1, and X-1 zoning districts shall be subject to the following supplemental regulations.

(1) Such use shall be limited to educational, recreational, religious and social centers intended to serve the surrounding neighborhood.

(2) No such use shall be located on a lot having less than forty thousand (40,000) square feet or less than two hundred (200) feet of street frontage.

(3) No building or roofed structure on a lot utilized for such use shall be located within seventy-five (75) feet of any lot line, and no parking area shall be located within twenty-five (25) feet of any lot line.

(Ord. No. 06-10-06, §2, 10-24-06)

(b) Community assembly uses in whatever business, industrial, office or mixed use zoning districts permitted herein shall be subject to the following supplemental regulations.

(1) The parking demand created by a community assembly use shall not exceed the supply of parking spaces legally available within the shared guest or visitor parking areas allocated to the site as provided in Section 25-4 of this Code.

(2) Three community assembly uses shall be permitted per center, so long as the total square footage devoted to such community assembly uses does not exceed 25% of the total gross building area of the center. In centers of 100,000 square feet or more, additional community assembly uses are permitted so long as the total square footage devoted to such community assembly uses does not exceed 25% of the total gross building area of the center. The applicant may be required to demonstrate that on-site traffic flow and parking will be sufficient to accommodate the additional community assembly use based on a current traffic and parking study prepared by a certified professional.

(c) Any submitted applications for community assembly use filed prior to the effective date of this Ordinance shall be subject to the zoning regulations in effect prior to the effective date of this Ordinance. Any community assembly use legally in existence on the effective date of this Ordinance, but now in violation of its provisions, shall be considered a legal non-conforming use and may be allowed limited expansion subject to the following criteria:

(1) The community assembly use is located in a center as defined in this Code;

(2) The expansion does not exceed 1,000 square feet or 25% of the gross square feet of the nonconforming use, whichever is greater.

(d) *RLUIPA relief procedures.* This section implements the policy of the City for addressing possible unintended violation of the Religious Land Use and Institutionalized Persons Act of 2000, 42 U.S.C. Sec. 2000cc et seq. ("RLUIPA") identified during implementation of this Code, and related rules, policies, and procedures.

(1) A person, including a religious assembly or institution, may request relief under this Section in writing by completing a RLUIPA Reasonable Relief Request form, which is available from the City's Growth Management Department ("GMD"). The form shall contain such questions and requests for information as are necessary for evaluating the relief requested.

(2) The City Manager, or his/her designee, shall have the authority to consider and act on requests for reasonable relief submitted to the GMD, after notice is posted as provided in subsection (8). A public hearing shall be held within twenty-one (21) days of receipt by the City of the request for relief. During the public hearing, the City Manager, or designee, shall solicit comment and information from the public to be taken under advisement. The City Manager shall issue a written determination no later than forty-five (45) days after the receipt by the City of the request for relief. The determination may: (1) grant the relief requested, (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.

Any determination denying the requested relief shall be in writing and shall state the reasons the relief was denied. All determinations shall advise the requesting party that the determination may be appealed within 30 days of the date of the determination to the City Commission. The written determination shall be sent to the requesting party by certified mail, return receipt requested.

If necessary prior to issuing a written determination, 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 the information is requested to provide the needed information. In the event a request for additional information is made to the requesting party by the City Manager, the thirty (30) day period to issue a written determination shall no longer be applicable, and the City Manager, or designee, shall issue a written determination within thirty (30) days after receipt of the additional information from the requesting party.

(3) If the requesting party fails to respond to the requested additional information within fifteen (15) days after the City Manager's or designee's request for additional information, the City Manager, or designee, shall issue a written notice advising the requesting party failed to timely submit the additional information and the request for relief shall be deemed abandoned and/or withdrawn and no further action by the City with regard to said reasonable relief request shall be required.

(4) In determining whether the reasonable relief request shall be granted or denied, the applicant shall be required to establish:

(a) The applicant is a claimant under RLUIPA; and

(b) The City has imposed a substantial burden on the religious exercise of the applicant, whether a person, religious assembly or instruction, and the burden is not a result of the City furthering a compelling governmental interest and is not the least restrictive means of furthering that compelling governmental interest; or

(c) The City has imposed or implemented a land use regulation in a manner that treats a religious assembly or institution on less than equal terms with a nonreligious assembly or institution.

(5) Within thirty (30) days after the City Manager's or designee's written determination is mailed to the requesting party, the requesting party may appeal the decision to the City Commission. All appeals shall contain a statement explaining the reason for the appeal. The City Commission shall, after giving public notice pursuant to subsection (8) and conducting a public hearing, make a determination no later than 60 days after an appeal has been filed to uphold, reverse or modify in whole or in part the City Manager's determination. The purpose of the public hearing is to receive comments, input and information from the public, which shall be taken under advisement by the City Commission.

(6) No fee shall be imposed by the City in connection with a request for reasonable relief under this Section or for an appeal of a reasonable relief determination to the City Commission. The City shall have no obligation to pay a requesting party's or an appealing party's attorney fees or costs in connection with the request for an appeal.

(7) While an application for reasonable relief, or appeal of 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.

(8) The City shall display a notice in the City's public notice bulletin board and shall maintain copies available for review in the Growth Management Department, the Building/Permitting Division, and the City Clerk's Office, advising the public that a request for relief under RLUIPA has been filed or appealed to the City Commission. The date and time of the applicable public hearing shall be included in the notice.

(e) If a use is interpreted to be a "community assembly" use as defined in Section21-8, the requirements of this Section23-95 shall prevail over any inconsistent provisions of the Land Development Code, and the parking standards for community assembly use in Section 25-4 shall prevail over any inconsistent provisions of Section25-4. (Ord. No. 08-7-1, §14, 7-15-08)

Sec. 23-96. Day care center or school.

Day care centers and elementary and secondary schools in the B-1, B-2, B-3 and PCD districts shall be located on a separate parcel of land that is not connected to or has no access to adjacent commercial uses, provided that such separate parcel of land may be under the same ownership as adjacent commercial uses.

(Ord. No. 00-10-7, §2, 10-24-00)

Sec. 23-97. Dry cleaning.

Dry cleaning in the B-1, B-2 and B-3 districts shall be subject to the following supplementary regulations.

(a) Service shall be rendered directly to customers who shall bring in and take away the articles to be cleaned.

(b) The establishment shall be permitted to provide residential pickup or delivery service.

(c) The establishment shall meet all governmental requirements pertaining to chemical and environmental standards. (Ord. No. 05-04-05, §1, 04-26-05)

Sec. 23-98. Filling of lots.

No lot or parcel shall be increased in size by filling in the water it abuts. The elevation of a lot will not be changed so as to materially affect the surface elevation or grade of the surrounding lots. No rock, gravel, or clay shall be excavated or removed from any property for commercial purposes, except in districts in which mining and quarrying uses are permitted.

Sec. 23-99. Guardhouses.

(a) Guardhouses may be constructed adjacent to private streets. These guardhouses may be installed within required yards, setbacks or medians, provided that there is at least one hundred feet (100') of stacking for motor vehicles, measured from the closest point of intersection with any public or private right-of-way, driveway or any other roadway improvements (such as bridges) which may interfere with driver's sight distance visibility.

(b) Each proposed guardhouse must be approved in advance by the city commission which shall consider the location of the

guardhouse and architectural renderings of such guardhouse. The commission will not and shall not approve any guardhouse that it finds to be in nonconformity with the architecture of the surrounding development.

(c) There will be no plain, wooden slat guardhouses.

(d) If a guardhouse is abandoned, the continued maintenance shall rest with the owners of the residences adjacent to the private streets served by the guardhouse. Maintenance of each guardhouse shall be specifically provided for in homeowners' association documents.

Sec. 23-100. Hotel, motel or restaurant in PCD.

A hotel, motel or restaurant in the PCD district shall be subject to the following supplementary regulations.

(a) The total acreage used for said hotel, motel and restaurants, including necessary parking, support buildings and grounds appurtenances, shall not be considered common open space and shall be included within the maximum total acreage permitted for commercial use.

(b) The trafficway system in the area adjacent to said use shall be adequate to support the anticipated traffic to be generated by the hotel, motel or restaurant.

(c) The area of said use shall be calculated as part of the total commercial acreage permitted, and the density shall not exceed forty (40) hotel/motel units per gross acre as per special area delineated on the development plan or not more than two (2) units for each residential unit designated on the city's land use plan element.

Sec. 23-101. Lot size.

Any lot recorded prior to April 2, 1962 and having a lot area, lot width or lot depth of less than that required by the zoning district in which it is located may be used for any use permitted in such district.

Sec. 23-101.1. Medical offices or clinics, and medical or dental laboratories.

Medical offices or clinics, and medical or dental laboratories ("medical uses"), as defined in Section 21-8 of the Land Development Code, in whatever districts permitted herein, shall be subject to the following supplemental regulations:

(a) On-site dispensing of controlled substances identified in Schedule II, III, or IV in Sections 893.03, 893.035, or 893.0355, Florida Statutes, as may be amended from time to time, is prohibited, unless otherwise expressly permitted as follows:

(1) A health care practitioner when administering a controlled substance directly to a patient if the amount of the controlled substance is adequate to treat the patient during that particular treatment session.

(2) A pharmacist or health care practitioner when administering a controlled substance to a patient or resident receiving care at a hospital, nursing facility, institution or asylum, ambulatory surgical center, or hospice which is licensed in this state.

(3) A pharmacist or health care practitioner when administering a controlled substance to a patient or resident receiving care at an intermediate care facility for the developmentally disabled which is licensed in this state.

(4) A health care practitioner when administering a controlled substance in the emergency room of a licensed hospital.

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

(b) Medical offices or clinics, and medical or dental laboratories ("medical uses") shall also be subject to Sec. 23-104.1. (Ord. No. 10-5-1, §5, 5-25-10)

Sec. 23-102. Outparcel/Major Parcel Architectural Design Standards of Non-Residential Centers.

All buildings, structures, and signs constructed or placed in a center (shopping center, office center, industrial center, or any other type of center), including any major parcel and any outparcel, shall be homogenous in design, materials and color throughout the center. (Ord. No. 03-09-03, § 2, 09-16-03; Ord. No. 08-5-3, § 1, 05-27-08)

Sec. 23-103. Outparcels.

(a) *Definitions.* For the purpose of this section only, the following terms shall have those meanings ascribed herein.

Major parcel: An area of land on a plat or site plan for one or more free standing, nonresidential building(s) where an outparcel(s) stands in front of or adjacent to said parcel and between said parcel and a right-of-way or property line.

Outparcel: An area of land on a plat or site plan as the site for a free standing nonresidential building which is subordinate to a major parcel, where said area of land is adjacent to a right-of-way or property line of the major parcel and is located in front of or adjacent to a major parcel.

(b) *Independent review.* Each outparcel must be developed so as to independently meet the provisions of the city's code. For the purposes of determining whether an outparcel or major parcel has provided for sufficient landscaping, setbacks, as well as whether all other city code regulations have been met, each outparcel or major parcel shall be reviewed independently and the condition of other outparcels or an adjacent major parcel, will not be considered in determining whether code criteria are met.

(c) *Integrated parking areas.* Notwithstanding the above, a minimum of fifty (50) percent of the total parking spaces required for the outparcel shall be provided on the outparcel. Any remaining required parking spaces shall be provided on the adjacent major parcel in addition to the parking requirements for the major parcel. Such parking spaces on the major parcel shall be within one hundred ninety (190) feet of the building on the outparcel. If such parking spaces are separated from the outparcel by an internal roadway, adequate pedestrian safety must be provided to cross such internal roadway with features such as, but not limited to, pavement marked crosswalk(s), signage, and/or mechanized lighting signals. Any such remaining required parking spaces so provided shall be paved and a cross-parking easement shall be recorded in the public records to allow for the perpetual use of such spaces.

(d) Outparcels which were not designated through an approved site plan as of the date of this section (05-27-08) and where the entire

center gross area, or area of all outparcels and major parcels, is ten (10) acres or less shall conform to the following provision. The view from the primary adjacent frontage to a building on the major parcel shall not be obstructed by a building or other structure on such outparcel. Such view shall be considered along a line perpendicular to the general direction of the public right-of-way in front of the primary frontage of the building from such public right-of-way to the primary frontage of the building. Such unobstructed view shall extend the entire length of the primary frontage of the building(s).

(e) Outparcels which were designated through an approved site plan as of the date of this section (05-27-08) or where the entire center gross area, including all outparcels and major parcels, is greater than ten (10) acres shall conform to the following provisions:

(1) *Minimum lot size.* No outparcel shall be less than forty-three thousand five hundred sixty (43,560) square feet in area, with a minimum width of one hundred ninety (190) feet and a minimum depth of two hundred twenty-five (225) feet.

(2) *Number of outparcel buildings.* Only one (1) free-standing building with either a single or multiple use and approved accessory structure(s) shall be permitted to be constructed on any one outparcel.

(3) *Separation between buildings.* The separation from any building or canopy on any outparcel to any building or canopy on any other outparcel or major parcel located in the same block shall be twice the setback required for the underlying zoning district. If no setback is required for the underlying zoning district, the separation from any building or canopy on the outparcel to any building or canopy on any other outparcel or major parcel located in the same block shall be one hundred twenty (120) feet.

(Ord. No. 08-5-2, §1, 5-27-08)

(4) *Maximum frontage of outparcels.* In no event shall the actual frontage of outparcels along a primary arterial roadway exceed twenty-five (25) percent of the total roadway frontage of the major parcel and outparcels on the primary arterial roadway.

(f) *Development phasing.* The building to be constructed on the major parcel shall be site planned and must meet one of the following criteria before a building permit may be let for the accompanying outparcels:

(1) A building permit has been issued for one hundred (100) percent of the main structure with at least 50% of construction completed to tie beam phase;

(2) A building permit has been issued for fifty (50) percent of the main structure with one hundred (100) percent of the construction completed to tie beam phase; or,

(3) A building permit has been issued for fifty (50) percent of the main structure, with all utilities in-ground and a surety has been posted for the completion of construction of the permitted structure. (Ord. No. 06-05-02, § 1, 05-23-06; Ord. No. 08-5-2, §1, 5-27-08)

Sec. 23-104. Painting of structures.

All structures shall be painted with two (2) coats of paint unless constructed of ornamental masonry or brick.

Sec. 23-104.1. Pharmacies, medical offices or clinics, and medical or dental laboratories -location restrictions.

(a) *Pharmacies.*

(1) Unless approved as a conditional use pursuant to Section23-152 of the Code of Ordinances, no pharmacy shall be permitted to locate within the same establishment, within the same shopping center, or within the same parcel of land or tract of any medical office or clinic, or any medical or dental laboratory, which is staffed by health care practitioners licensed to prescribe controlled substances identified in Schedule II, III, or IV in Sections 893.03, 893.035, or 893.0355, Florida Statutes, as may be amended from time to time.

(2) *Outparcels.* The location restriction of subsection (1) above shall not apply to a pharmacy which is located within an outparcel as defined in Section 21-8 of the Code, within the same shopping center, or within the same parcel of land or tract, as a medical office or clinic, or medical or dental laboratory, which is staffed by health care practitioners licensed to prescribe controlled substances identified in Schedule II, III, or IV in Sections 893.03, 893.035, or 893.0355, Florida Statutes, as may be amended from time to time. However, no pharmacy shall be permitted to locate within the same outparcel as any medical office or clinic, or medical or dental laboratory, which is staffed by health care practitioners licensed to prescribe controlled substances identified in Schedule II, III, or IV in Sections 893.03, 893.035, or 893.0355, Florida Statutes, as may be amended from time to time, unless approved as a conditional use.

(b) *Medical Offices or Clinics, or Medical or Dental Laboratories.*

(1) Unless approved as a conditional use pursuant to Section23-152 of the Code of Ordinances, no medical office or clinic, or any medical or dental laboratory, which is staffed by health care practitioners licensed to prescribe controlled substances identified in Schedule II, III, or IV in Sections 893.03, 893.035, or 893.0355, Florida Statutes, as may be amended from time to time, shall be permitted to locate within the same establishment, within the same shopping center, or within the same parcel of land or tract of any pharmacy.

(2) *Outparcels.* The location restriction of subsection (1) above shall not apply to a medical office or clinic, or medical or dental laboratory, which is staffed by health care practitioners licensed to prescribe controlled substances identified in Schedule II, III, or IV in Sections 893.03, 893.035, or 893.0355, Florida Statutes, as may be amended from time to time, which is located within an outparcel as defined in Section 21-8 of the Code, within the same shopping center, or within the same parcel of land or tract, as a pharmacy. However, no medical office or clinic, or medical or dental laboratory, which is staffed by health care practitioners licensed to prescribe controlled substances identified in Schedule II, III, or IV in Sections 893.03, 893.035, or 893.0355, Florida Statutes, as may be amended from time to time, shall be permitted to locate within the same outparcel as a pharmacy, unless approved as a conditional use.

(c) The foregoing location restrictions shall not apply to pharmacies or medical offices or clinics, or medical or dental laboratories, for which an application for a business tax receipt has been submitted prior to the date of adoption of this Ordinance.

(d) These supplemental regulations are not to be interpreted to limit the lawful operation of a hospital or institution or asylum separately defined and permitted in zoning districts according to separate regulations. (Ord. No. 10-5-1, §5, 5-25-10)

Sec. 23-105. Propane gas tanks.

Propane gas tanks, as defined within the Florida Building Code, Broward county edition, shall be installed in accordance with the

following supplementary regulations.

(a) Above-ground propane gas tanks shall not be installed or erected in any required street yard.

(b) No propane gas tank that is installed underground shall be located within ten (10) feet of any structure or lot line. Propane/natural gas tanks installed above-ground shall be located in accordance with NFPA standards, subject to the approval of the City's fire marshal.

(c) The installation of above-ground propane gas tanks shall meet the requirements of section23-80(d), shielding of accessory and mechanical equipment. In addition, any propane gas tank installed above-ground in a commercial district shall be protected from possible puncture or crushing by the additional installation of concrete filled steel stanchions, which shall be painted yellow.

(d) Any non-residential building or structure which has had a propane or natural gas tank/system installed underground shall display a decal stating the current company providing refills and/or maintenance. The decal shall bear the company name and a 24-hour per day contact phone number, which shall be affixed to the front door of such structure to alert emergency personnel of the presence of the system. Any above-ground propane/natural gas tank(s) shall clearly indicate on the side of the tank and the underside of the dome cover(s) the name and emergency contact number(s) of the company contracted to fill and/or maintain said tank(s). All below-ground tank(s) shall clearly indicate the name and emergency contact number(s) of the company contracted to fill and/or maintain said tank(s) on the top and underside of the dome cover(s).

(e) All propane gas tanks shall be installed in accordance with the Florida Building Code and the National Fire Protection Association Life Safety Codes. Copies of these codes are available for public inspection during normal business hours in the city's Building Department.

(f) All propane gas tanks, whether installed above-ground or below, shall be inspected, tested and maintained according to NFPA 58 standards and LPG Florida Laws, Rules and Regulations. Said inspection shall be performed by the company contracted to fill and/or maintain said tank(s) and a copy of the inspection report shall be filed at least annually with the City's Building Department.

(Ord. No. 06-05-02, § 1, 05-23-06; Ord. No. 20-7-1, § 2, 7-28-20)

Sec. 23-106. Public buildings.

Any provision to the contrary notwithstanding, public buildings may be erected in any district in the city, provided such use is consistent with the city’s land use plan; and further provided plans and locations thereof shall first be presented to the planning and zoning board and approved by the planning and zoning board before a permit shall be granted.

Sec. 23-107. Sewage lift or pumping station.

Sewage lift or pumping stations shall be subject to the following supplementary regulations when located in the E-3, E-2, E-1, R-1-A, R-1-B, R-1-C, R-1-D, B-1, B-2 and B-3 districts.

(a) When underground stations are utilized, all parts of which are at least three (3) feet below grade except for an access tube not over five (5) feet in maximum horizontal dimensions extending not over three (3) feet above grade, and meters and switches on a post extending not over five (5) feet above grade, such access tube and meter or switch post may be located within a utility easement but not less than fifty (50) feet from any street line. No obstructions shall be placed within the fifty-foot setback allowing access for maintenance.

(b) Aboveground stations shall be reviewed by the planning and zoning board and the community appearance board for conformity to the aesthetic standards of the neighborhood.

(c) The lot area shall be landscaped with grass, shrubbery and trees, which shall be kept in a healthy, growing condition, properly watered and trimmed, pursuant to chapter 25, article IV, landscaping.

(d) Notwithstanding the minimum lot size requirement of the zoning district in which such use is located, a lot used for a permitted sewage lift or pumping station need be no larger than necessary to provide required yards and setbacks.

Sec. 23-108. Sight distance triangles.

(a) No structure, other than utility poles or poles supporting signs, shall be erected or maintained and no landscaping, other than permitted pursuant to section 25-47, landscaping, within sight distance triangles, shall be planted or allowed to grow, within the triangular areas defined below so as to impede a line of unobstructed vision from two and one-half (2½) feet to eight (8) feet above the grade at the centerline of the abutting street.

(b) The triangular areas referred to above are:

(1) *Driveway intersections.* The areas of property on both sides of an accessway formed by the intersection of each side of the accessway and the public right-of-way line with two (2) sides of each triangle being ten (10) feet in length from the point of intersection and the third side being a line connecting the ends of the other two (2) sides.

(2) *Street intersections.* The area of property located at a corner formed by the intersection of two (2) or more public rights-of-way with two (2) sides of the triangular area being forty (40) feet in length along the abutting right-of-way lines, measured from their point of intersection, and the third side being a line connecting the ends of the other two (2) lines.

Sec. 23-109. Special residential facilities.

(a) *Purpose and intent.* The purpose and intent of this section is to protect the public health, safety and welfare by:

(1) Establishing minimum standards for the occupancy, physical development, redevelopment, location, and future conversion of special residential facilities within the city;

(2) Coordinating city regulations with those of the state of Florida and Broward County;

(3) Ensuring an adequate quality of life for residents of special residential facilities by providing for a balanced mix of residential, social, health and leisure services within such facilities;

(4) Encouraging the development of special residential facilities within planned developments; and

(5) Establishing standards for the appropriate placement of special residential facilities within the growth management framework established by the city's comprehensive plan.

(b) *Applicability.* The requirements of this section shall apply to all special residential facilities within the city. These standards shall prevail over less restrictive standards applicable to such facilities within the city.

(c) *Maximum occupancy.* The following maximum occupancy standards shall apply to special residential facilities.

(1) The maximum occupancy of a special residential facility, type 1 shall be six (6) persons, excluding staff.

(2) The maximum occupancy of a special residential facility, type 2 shall be fourteen (14) persons, excluding staff.

(3) The maximum occupancy of a special residential facility, type 3 shall be established by multiplying two and four-tenths (2.4) by the maximum number of dwelling units permitted by the zoning district or land use designation, whichever is less. In the case of nonresidential districts, a maximum permitted density of fifteen (15) units per acre will be assumed for the purpose of calculating maximum occupancy. When special residential facilities are located in nonresidential zoning districts, reserve units must be subtracted from the city's remaining allocation of reserve units pursuant to the requirements of section 22-4, reserve units.

(d) *Number of residents to be specified.* The total number of residents proposed, including resident staff, shall be specified in the preliminary site development plan application and on the final site development plan.

(e) *Conversion to conventional dwelling units.* The following regulations shall govern the conversion of special residential facilities to conventional dwelling units.

(1) Prior to conversion to conventional dwelling units, a building designed and permitted to accommodate a special residential facility shall, if necessary, be structurally modified to comply with residential density restrictions of the comprehensive plan and zoning district.

(2) No site plan for a special residential facility, type 3, shall be certified until a declaration of restrictions regarding conversion to conventional residences in a form approved by the city attorney has been recorded to run with the land in the official records maintained by the clerk of the circuit court in and for Broward county. This declaration of restrictions shall expressly provide the following.

a. The conversion of the premises to conventional dwelling units is prohibited except in compliance with this section, as amended.

b. If permitted, conversion will not result in an increase in the number of units permitted on the site under conventional zoning unless the converted project has obtained a valid PUD approval. If that approval has not been granted, the converted project will have to comply with the density permitted in the underlying zoning district.

c. The total number of permitted residents may be determined by referring to the approved site development plan on file with the planning and growth management department.

(f) *Supplemental property development regulations.*

(1) *In general.* Unless otherwise provided in this section, a special residential facility shall be governed by the land development regulations applicable to the zoning district or planned unit development in which it is established.

(2) *Minimum lot area.* The minimum lot area requirements of the zoning district shall apply to each special residential facility, but in no case shall lot size be less than seven thousand five hundred (7,500) square feet for a special residential facility type 2, or one (1) acre for a special residential facility, type 3.

(3) *Off-street parking requirements.*

a. Special residential facilities, type 1 shall comply with the off-street parking standards for single-family residences, as provided in chapter 25.

b. Special residential facility, types 2 and 3 shall comply with the following off-street parking requirements:

1. A minimum of one (1) parking space shall be provided for each four (4) residents, plus one (1) space for each employee on the two (2) combined shifts of greatest employment.

2. Special residential facilities, types 2 and 3, shall establish a safe drop-off area for group transportation, such as vans or similar vehicles.

c. Every special residential facility shall provide adequate parking and circulation for residents, visitors and staff. The standards established in this section shall be considered the minimum necessary to achieve this goal.

d. The basis for parking calculations shall be clearly stated on proposed site plans, including the maximum number of employees.

(4) *Cooking facilities.*

a. *Central dispensing and consumption of food.* Each special residential facility shall provide and continuously maintain central facilities for daily food dispensing and consumption.

b. *Food preparation in individual living quarters of special residential facilities.*Food preparation shall be prohibited in sleeping areas or in individual quarters in special residential facilities, type 1 or type 2. Individual kitchen facilities may be provided in the living quarters of a special residential facility, type 3.

(5) *Maximum occupancy of sleeping areas.*The maximum number of persons per sleeping area shall be determined by applying the space requirements of the state of Florida department of health and rehabilitative services.

(6) *Accessory and associated land uses.*

a. Special residential facilities, type 1 or 2, may have those accessory uses customarily incidental to a single-family residence and home occupation uses.

b. A special residential facility, type 3, may have:

1. Those accessory land uses customarily accessory to a multiple-family residence; and

2. Those noncommercial land uses customarily incidental to a special residential facility, such as a common dining room, a central kitchen, a nursing station, a medical examining room, a chapel, a library, and offices necessary to manage the facility.

(7) *Location, concentration and neighborhood compatibility.* No approval for a special residential facility shall be granted unless it satisfies the following criteria for location, concentration and neighborhood compatibility.

a. *Location of special residential facility, type 1.* A special residential facility, type 1 may be located wherever single-family residences are permitted provided that such facilities shall not be located within one thousand (1,000) feet of another such facility.

b. *Location of special residential facilities, types 2 and 3.*

1. A special residential facility, type 2 may be permitted in all residential zoning districts that allow multi-family dwelling units as permitted uses, provided that it is not located within a radius of twelve hundred (1,200) feet of another special residential facility, type 2 and shall not be within a radius of five hundred (500) feet from a zoning district that allows single-family dwelling units as permitted uses if the proposed special residential facility, type 2 is multi-family in character.

2. Each special residential facility, types 2 and 3, shall be located within five (5) road miles of a full-service professional fire rescue station, as determined by the city's fire-rescue department.

3. A special residential facility, type 3 shall be contiguous with and have a primary access to a paved collector or arterial street.

Sec. 23-110. Rooftop Photovoltaic Solar Systems.

(Ord. No. 14-2-2, §2, 2-25-14)

(1) *Intent.* The provisions contained herein are intended to promote the health, safety, and general welfare of the citizens by removing barriers to the installation of alternative energy systems and encourage the installation of rooftop photovoltaic solar systems pursuant to the U.S. Department of Energy Rooftop Solar Challenge Agreement Number DE-EE0005701 (“Go SOLAR- Broward Rooftop Solar Challenge”) on buildings and structures within municipal limits. The provisions and exceptions contained herein are limited to rooftop photovoltaic solar systems permitted through web-based applications for pre-approved rooftop photovoltaic solar system installations that utilize the Go SOLAR-Broward Rooftop Solar Challenge permitting process.

(2) *Definitions.* For purposes of this subsection, the following terms shall have the meaning prescribed herein:

(a) *Roof line:* The top edge of the roof which forms the top line of the building silhouette or, for flat roofs with or without a parapet, the top of the roof.

(b) *Rooftop photovoltaic solar system:* A system which uses one (1) or more photovoltaic panels installed on the surface of a roof, parallel to a sloped roof or surface-or rack-mounted on a flat roof, to convert sunlight into electricity.

(3) *Permitted accessory equipment.* Rooftop photovoltaic solar systems installed pursuant to this subsection shall be deemed permitted accessory equipment to residential and commercial conforming and nonconforming buildings and structures in all zoning categories. Nothing contained in the Code of Ordinances, including design standards or guidelines included or referenced herein, shall be deemed to prohibit the installation of such rooftop photovoltaic solar systems as accessory equipment to conforming and nonconforming buildings, including buildings containing nonconforming uses.

(4) *Height.* In order to be deemed permitted accessory equipment, the height of rooftop photovoltaic solar systems shall not exceed the roof line, as defined herein. For flat roofs with or without a parapet, in order to be deemed accessory equipment, the rooftop photovoltaic solar system shall not be greater than five (5) feet above the roof.

(5) *Permits.* Prior to the issuance of a permit, the property owner(s) must acknowledge, as part of the permit application, that: (a) if the property is located in a homeowners’ association, condominium association, or otherwise subject to restrictive covenants, the property may be subject to additional regulations or requirements despite the issuance of a permit by the City; and (b) the issuance of said permit for a rooftop photovoltaic solar system does not create in the property owner(s), its, his, her, or their successors and assigns in title, or create in the property itself a right to remain free of shadows and/or obstructions to solar energy caused by development adjoining on other property or the growth of any trees or vegetation on other property or the right to prohibit the development on or growth of any trees or vegetation on another property.

(6) *Tree maintenance and removal.* To the extent that the City has discretion regarding the removal or relocation of trees, solar access shall be a factor taken into consideration when determining whether and where trees may be removed or relocated.

(7) *Maintenance.* The rooftop photovoltaic solar system shall be properly maintained and be kept free from hazards, including but not limited to, faulty wiring, loose fastenings, being in an unsafe condition or detrimental to public health, safety, or general welfare.

Sec. 23-111. Trailers, tents, outbuildings.

No trailer, tent, shack, barn, temporary building, outbuilding or guesthouse shall be erected in the city without a nonconforming use permit to be issued by the building department. Such permit shall be renewed annually by the building department, upon receipt of a written request for renewal from the property owner.

Sec. 23-112. Transformer substation.

Transformer substations shall be subject to the following supplementary regulations when located in the E-3, E-2, E-1, R-1-A, R-1-B, R-1-C, R-1-D, B-1, B-2 and B-3 districts.

(a) *Minimum yard dimensions.* The lot shall be provided with yards not less than thirty (30) feet in depth or width adjacent to all street lines and lot lines of other zoned property and a yard at least twenty-five (25) feet in depth adjacent to the rear lot line.

(b) *Landscaped buffers.* The yards required under this section shall be fully covered by landscaping consisting of grass, shrubbery and trees. All landscaped areas shall be maintained in a healthy growing condition, properly watered and trimmed in accordance with the provisions of chapter 25, article IV, landscaping.

(c) *Required fence.* A fence not over twelve (12) feet in height shall be erected at least thirty (30) feet from any street line and property line to completely enclose the use.

(d) *Permitted structures in required yards.* The yards required under this section shall not be used for any building or structure except the control building, which may be incorporated with the fence line; provided that minimum driveways or walkways necessary for access may cross required yards.

(e) *Height.* Notwithstanding the height regulations of the zoning district, structures associated with such use shall be permitted to extend to a height of sixty (60) feet or the maximum height allowed in the district, whichever is greater.

(f) *Minimum lot size.* Notwithstanding the minimum lot size requirement of the zoning district in which such use is located, a lot used for a permitted transformer station need be no larger than necessary to provide required yards and setbacks.

Sec. 23-113. Veterinary services and retail pet sales.

Veterinary services and retail pet sales shall be subject to the following supplementary regulations.

(a) In the B-1, B-2, B-3, PCD and PMUD districts the following regulations shall apply:

(1) Veterinary services shall treat only domesticated animals (i.e. dogs, cats, birds, fish and other such household pets that are not of a species listed by Broward County, the State of Florida, and/or federal regulations requiring a special license to sell). In addition to any other conditions of a conditional use approval, in the B-1 district the only animals for sale as a retail pet sale use shall be such domesticated animals.

(2) Overnight boarding facilities within establishments providing veterinary services shall be for treatment purposes only; there shall be no boarding of well animals. Retail pet sale uses shall not include overnight boarding of any animals other than those being offered for sale.

(3) There shall be no cremation facilities on the premises. Medical wastes including any fecal wastes, shall be disposed of in accordance with Broward County Office of Natural Resource Protection regulations or any other applicable governmental regulations.

(4) There shall be no exterior dog runs.

(b) For veterinary services and retail pet sales in any zoning district, walls shall be sufficiently insulated so that no sounds or noise from the animals is audible from outside the establishment. (Ord. No. 10-4-2, §3, 4-13-10)

Sec. 23-114. Water or wastewater plant, local.

Local water and wastewater plants shall conform to the following supplemental regulations when located in the E-3, E-2, E-1, R-1-A, R-1-B, R-1-C, R-1-D, B-1, B-2 and B-3 districts.

(a) *Minimum lot size.* No such use shall be located on a lot less than forty thousand (40,000) square feet in area and two hundred fifty (250) feet in width.

(b) *Setback from streets or residential property.* No enclosed or unenclosed building or structure or treatment facility shall be located nearer to any street lot line than one hundred (100) feet nor nearer to any other residentially zoned property than two hundred fifty (250) feet.

(c) *Landscaped buffer.* All lots shall have a landscaped setback area at least thirty-five (35) feet in width or depth adjacent to all street lot lines, and adjacent to all lot lines separating the subject plot from other zoned property. The landscaped setback area shall be planted with grass, shrubbery and trees; and no part shall be paved or surfaced except for minimum driveways and walkways for access. All landscaping shall be maintained in a healthy, growing condition, properly trimmed and watered in accordance with the provisions of chapter 25, article IV, landscaping. The landscape design should screen any and all structures on any and all sides from view. The landscaped setback area shall not be used for any building, structure, fence, wall, parking, storage or other use except that a fence may be erected in any such setback area at least thirty-five (35) feet from any street lot line. The height of any such fence within the landscaped setback area shall not exceed eight (8) feet pursuant to section 23-90 of this code.

(d) *Noise limits.* All machinery, equipment and mechanical or electrical facilities shall be so designed and operated as to minimize noise effects upon surrounding residential properties. The decibel level shall not exceed the following as measured at the property line:

(1) fifty (50) dba in residential districts; or

(2) sixty-five (65) dba in nonresidential districts.

(e) *Use of property for franchise purposes.* No such lot shall be used for business, storage or service purposes for a franchised area, provided that the business office for service facilities for a franchised area shall be permitted in nonresidential districts.

Sec. 23-115. Wells.

Wells are permissible for lawn and outside use only, but all such wells and pumps shall be so constructed as to be hidden from view and the irrigation system shall be free of rust and kept in a rust-free, good working condition.

Sec. 23-116. Yard exceptions.

Yards required by this code shall be free of buildings or structures from the ground upward, with the following exceptions. In case of conflict with more restrictive provisions elsewhere in this code, the more restrictive conditions shall apply.

(a) Parking and loading areas, driveways and accessory structures thereto, and sidewalks and walkways shall be permitted in all required yards, unless elsewhere specifically prohibited.

(b) Cornices, eaves, gutters, fireplaces, chimneys, external stairways, bay windows and similar architectural features shall be permitted to extend no more than the dimension of the roof overhang into required yards.

(c) Swimming pools, patios and screened enclosures shall be permitted to extend into required side and rear yards in residential

property, subject to section 23-83.

(Ord. No. 07-6-1, §2; 06-19-07)

(d) Accessory buildings shall be permitted to extend into required side and rear yards of lots designed, intended or used for a principal single-family dwelling, subject to section 23-83, Accessory buildings on single-family lots.

(e) Accessory and mechanical equipment shall be permitted in required side and rear yards, subject to section23-80. (f) Freestanding antennas, antenna towers and dish antennas shall be permitted in required side and rear yards, subject to section 23-87.

(g) Boundary walls, fences and hedges shall be permitted within required side and rear yards, subject to section23-89. (h) Boathouses, docks and piers shall be permitted within required yards abutting a waterline, subject to section 23-89. (i) Guardhouses shall be permitted within required yards, subject to section 23-99.

(j) Transformer substations shall be permitted within required yards, subject to section 23-112.

(k) Wells shall be permitted within required yards, subject to section 23-115.

Sec. 23-117. Restaurants, outdoor seating.

(a) Outdoor seating as an accessory use to a licensed primary use restaurant which is permitted in accordance with this Chapter may be approved by the Development Review Committee (DRC) through an administrative review of a site plan amendment subject to the following additional regulations:

(1) Architectural plans shall be submitted for review and approval by the development review committee with an application, which shall show the existing interior and proposed exterior floor plans, elevation of any structures, setbacks, types of ground covering, proposed landscaping, all proposed signs and lighting, layout of all tables, chairs, benches and other furniture, and pedestrian ingress and egress. Outdoor seating areas shall include, but shall not be limited to, the below requirements and adequate separation between patrons and vehicular use and vehicular service area shall be provided. Adequate separation may be provided by one or more of the following: setback distance, landscaping, hardscape material and/or use of bollards as may be recommended by the police department.

(2) The operation of such outdoor seating area shall be conducted in such a way as to not interfere with the circulation of pedestrian or vehicular traffic on the adjoining streets or sidewalks. There shall be a minimum of four (4) feet of clear distance or fifty percent (50%) of the sidewalk width (clear path), whichever is greater, free of all obstructions, in order to allow adequate pedestrian movement. In no event may recesses in the restaurant and dining room frontage be used to satisfy this unobstructed width requirement. The corners of the outdoor seating area may be rounded or mitered, in which event the required minimum clearance shall still be maintained around the outdoor seating area.

(3) The service of patrons of the outdoor seating area shall be by restaurant staff to patrons at tables and/or patrons utilizing an approved means of self-service. Any walk-up window shall be reviewed in accordance with the requirements of subsections (c)(1) and (2) of this section. Provided, however, that nothing contained herein shall prohibit properly site planned outdoor play areas for fast food or self-service restaurants.

(4) The outside seating area shall not occupy an area of more than thirty percent (30%) of the total gross inside area of the restaurant. In the event the outside seating area is larger than 20 seats , the restaurant parking requirement as set forth in chapter 25 of this code shall be applicable to the outside seating area.

(5) The outside seating area shall not be enclosed except that it may be covered with a canvas cover, subject to the approval of an amended site plan, or covered with the existing walkway covering (where the area is within walkway areas).

(6) All kitchen and other equipment (e.g. bus service stations, remote menu computer stations, hostess stations) and refuse containers used to service the outside seating area shall be located within the interior of the restaurant.

(7) The outside seating area shall be kept in a neat and orderly appearance and shall be kept free from refuse and debris.

(8) All furniture, including but not limited to, tables chairs and umbrellas, located in the outside seating area shall be secured when the primary use restaurant is closed, either within a space which may not be accessed by the public or by permanently fastening such furniture in place by decorative chains or other appropriate fasteners.

(9) In approving an outdoor seating area, the city may prescribe additional appropriate conditions and safeguards.

(10) Outdoor seating areas shall be subject to platting requirements as set forth by Broward County requirements.

(Ord. 11-8-1, § 3, 8-16-11)

(b) Restaurants which desire to include an outdoor seating area as an accessory use which was not previously approved shall submit an amended site plan to the city, as set forth in subsection (a) (1) hereof, which shall be reviewed by the city in accordance with the provisions of Section 24-67 of this code except as may qualify for the following administrative review process. (Ord. 97-2-2, § 1, 2-11-97; Ord. 11-8-1, § 3, 8-16-11)

If all of the following specifications are met, an outdoor seating area may be approved by the Development Review Committee (DRC) through an administrative review of the amended site plan:

(1) All submittal items set forth in subsection (a)(1) of this section shall be reviewed by the DRC and any comments of the DRC must be resolved to the satisfaction of all DRC members. Such submittal shall be with the same application and petition fee as otherwise is established for a site plan amendment. If any comment is not resolved to the satisfaction of all DRC members, the site plan amendment shall continue standard processing as a site plan amendment and the amendment shall require approval by the city commission in accordance with Section 24-67.

(2) The outside seating area does not exceed 20 seats and therefore does not require a change to parking pursuant to subsection (a)(4) of this section.

(3) No parking configuration or circulation is affected by or proposed with the addition of outdoor seating.

(4) No walk-up window is requested. Inclusion of a walk-up window shall require a site plan amendment pursuant to subsection (c) of this section.

(c) A restaurant which desires to include a walk-up window as an accessory use shall submit an amended site plan to the City, with the submittal of items set forth in subsection (a)(1) of this section, which shall be reviewed by the City in accordance with the provisions of Section 24-67. Such site plan amendment shall also be reviewed for compliance with the following:

(1) That the window cannot be accessed by a vehicle; and

(2) That adequate separation between pedestrian and vehicular areas is provided by the amended plan.

(Ord. 11-8-1, § 3, 8-16-11; Ord. 19-11-2, § 2, 12-3-19)

(d) *Violations.*

A violation(s) of this section shall be prosecuted in accordance withChapter 13, Article VI, of this Code or through any other supplemental municipal code or ordinance enforcement procedures available to the City under the Florida Statutes, this Code, or both.

(Ord. 11-8-1, § 3, 8-16-11)

Sec. 23-117.1. Restaurants, alcohol service.

Service at a general restaurant or at a fast food restaurant may include the on-premise sale, service and consumption of alcoholic beverages as an accessory and secondary use, but shall exclude service of alcohol to a customer in a motor vehicle and is subject to any other regulation of the City Code, and to any other governmental requirement.

(Ord. 11-8-1, § 3, 8-16-11)

Sec. 23-118. Limitations for non-residential, non-agricultural uses.

(a) The provisions of this section shall apply to the A-1 Agricultural District, E-3 Agricultural Estate District, E-2 Rural Estate District and the E-1 Estate District.

(b) Although non-residential and non-agricultural uses are permitted or conditionally permitted on a limited basis to serve the surrounding community, in order to promote and protect the primary purpose of agricultural and estate districts, the following limitations are hereby established.

(1) There shall be a minimum distance of one thousand (1,000) feet between all plots upon which a development order has been issued for construction or erection of a permitted or conditionally permitted non-residential and/or non-agricultural use, or upon which a building or structure has been constructed for and is used primarily for a permitted or conditionally permitted non-residential and/or non-agricultural use.

(2) Measurement of the 1,000 feet shall be by an actual or imaginary straight line upon the ground or in the air, from the property line of one permitted or conditionally permitted non-residential and/or non-agricultural use to the nearest property line of any other proposed non-residential and/or non-agricultural use.

(3) Any person wishing to establish a permitted or conditionally permitted non-residential and/or non-agricultural use shall furnish to the city a special purpose survey sealed by a land surveyor certified by the State of Florida. The survey shall indicate the distance between the proposed use and any other existing or previously permitted non-residential and/or non-agricultural use.

(4) All permitted or conditionally permitted non-residential and/or non-agricultural uses shall be located only on plots contiguous to and having access from an expressway or arterial trafficway.

(Ord. No. 01-1-3, § 1, 1-23-01)

Secs. 23-119 -- 23-149. Reserved.

ARTICLE VI. ADMINISTRATIONAND PROCEDURES

Sec. 23-150. Zoning text amendment.

Adoption of amendments to zoning ordinances shall be made in accordance with the applicable provisions of F.S. chps. 163 and 166, as may be amended.

Sec. 23-151. Rezoning (map amendment).

(a) All applications for changes or adjustments in the zoning classifications of real property in the city shall be submitted to the city clerk in writing by the applicants, and shall set forth the following information:

(1) Name and address of applicant;

(2) Certificate of title, property deed or other proof of ownership;

(3) Legal description of the property to be affected by the change;

(4) Type of change desired;

(5) Statement of intent or concept sketch map setting forth the use to be made of the property;

(6) Such other information as may be required from time to time by the city commission and/or the planning and zoning board.

(b) In addition thereto, the application shall be accompanied by a fee of four hundred dollars ($400.00), which shall be non-refundable regardless of the action taken by the commission with respect to the application, and shall be deposited by the city clerk in the general revenue fund of the city for costs incident to the processing of the application.

(c) The procedure for the review and granting of rezoning requests shall be in accordance with applicable provisions of F.S. Chps. 163

and 166, as may be amended.

(d) The city commission shall schedule the public hearing required herein not sooner than twenty (20) days after the receipt of the report from the planning and zoning board, nor later than ninety (90) days after the receipt of the report of the planning and zoning board. If the planning and zoning board fails to report, the city commission shall, upon the expiration of the sixty (60) days following the referral to the planning and zoning board, thereafter schedule the public hearing at a date not sooner than twenty (20) days nor later than ninety (90) days following its first regular meeting, subsequent to the expiration of the sixty (60) days as aforesaid.

(e) In addition to those procedures required by state law, each applicant for a rezoning shall post the property(s) which is (are) the subject of such application with signs indicating that a rezoning is pending.

(1) Each sign to be posted in conformity with this section shall measure forty-eight (48) inches by forty-eight (48) inches and shall be constructed of three-quarter (3/4) inch A/C exterior grade plywood, set thirty-six (36) inches above surrounding grade from the bottom of the sign board, mounted on two (2) four (4) inch by four (4) inch by ten (10) foot pressure-treated posts or metal angles.

(2) Signs shall be painted with white enamel paint background and black enamel painted letters, except that the top line shall be painted red enamel. Lettering shall be gothic style upper case with the top line measuring at least eight (8) inches in height and all other lines measuring at least three (3) inches in height.

(3) Text sign shall read as follows:

Rezoning Applied For This Property

From: (Insert zoning district)

To: (Insert zoning district)

Public Hearing Dates:

Planning & Zoning: (Insert date)

City Commission: (Insert date)

For further info, call Planning Dept. 434-4300, ext. 226

(4) Signs shall be placed on each street frontage of the subject property at a distance of no more than ten (10) feet within the property line.

(5) Each sign to be posted in conformity with this section shall be placed upon the parcel upon which the applicant is seeking a rezoning concurrently with the filing of an application for a rezoning with the city clerk and shall remain upon subject property until such time as the city commission has finally adopted or rejected the applicant's rezoning request. It shall be a violation of this section for any sign posted to remain more than seven (7) days following final commission action upon applicant's rezoning request.

(6) Each applicant prior to being scheduled for city commission action or an ordinance granting the rezoning application, shall submit a sworn affidavit that he has acted in compliance with this section.

(f) Applicants for rezonings, in addition to any fee set forth hereinabove, shall be required to pay the actual costs of any advertisements required in accordance with this code and applicable laws.

Sec. 23-152. Conditional use.

(a) *Purpose and intent.*

(1) The purpose of the conditional use procedure is to provide for certain uses or structures that cannot be well-adjusted to their environment in particular locations, and to offer full protection to surrounding properties by rigid application of the district regulations, and, due to the nature of the use, the importance of the relationship to the comprehensive development plan and the possible impact on neighboring properties, to require the exercise of planning judgment on their location and site plan.

(2) If any criteria for a conditional use or for conditional uses in general is found by a court of competent jurisdiction to be inadequate; the legislative intent is for that conditional use to be a prohibited use in the district for which conditional use approval had previously been required.

(b) *Approval standards.* A conditional use permit shall not be considered an entitlement, and shall be granted by the city commission only if the commission finds that all of the following standards are met. The burden of proof in demonstrating that the standards have been met shall be on the applicant. No conditional use permit shall be granted if the commission finds that any one (1) or more of the following standards are not met.

(1) *Nature of use.* The nature and characteristics of the proposed use or structure is consistent with the type of use or structure authorized as a conditional use in the zoning district in which located.

(2) *Plan compliance.* The proposed use conforms to the provisions of the city's comprehensive plan.

(3) *Ordinance compliance.* The proposed use complies with all applicable regulations, including any specific standards for the proposed use set forth in this land development code.

(4) *Compatibility.* The proposed use is compatible with adjacent uses, in terms of use, building height, bulk, scale, setbacks, open spaces, landscaping, drainage, access and circulation.

(5) *Traffic impact.* The proposed use does not adversely affect the safety and convenience of vehicular and pedestrian circulation in the area, and will not result in a significant increase in traffic on any local residential street.

(6) *Parking adequacy.* The proposed use provides adequate and convenient off-street parking and loading facilities, and will not result in overflow parking on adjacent residential streets.

(7) *Hazard protection.* The proposed use reasonably protects persons and property from erosion, flooding, fire, noise, glare or

similar hazards.

(c) *Application.* Applications for conditional use approval shall be subject to the following provisions.

(1) Every application shall be completed by the owner of record of the subject property, and shall be signed by such individual and notarized.

(2) Each application shall be accompanied by ten (10) copies of a concept site plan or floor plan meeting the requirements of this land development code.

(3) All applications shall be accompanied by a non-refundable fee in the amount of two hundred fifty dollars ($250.00), plus advertising fees.

(4) It shall be the responsibility of the applicant to furnish, at the applicant's expense, a certified list of all property owners within a three hundred (300) foot radius of the boundaries of the subject property. This list must be certified by a licensed title company or other qualified individual, and the applicant will be responsible for the accuracy of the list of property owners. The list must be submitted to the city clerk at the time of the filing of the application. The list of property owners must be dated and certified to a date not exceeding thirty (30) days prior to the date of filing of the application.

(5) It shall be the responsibility of the applicant to furnish, at the applicant's expense, a map showing all property within a three hundred (300) foot radius of the boundaries of the subject property.

(6) Each application shall be accompanied by such other information as may be required by the city commission, the planning and zoning board, or staff for a determination of the nature of the proposed use and its effect on the comprehensive development plan, the neighborhood and surrounding properties.

(d) *Review procedure.* Applications for approval of a conditional use shall be subject to the following review procedures.

(1) *Submittal.* Applications shall be submitted to the city clerk who shall review the application and concept site plan or floor plan for sufficiency under the requirements of these regulations and forward necessary copies of the application to the planning and growth management department and the planning and zoning board for study, for holding of a public hearing, and for recommendation and report to the city commission.

(2) *Review by planning and zoning board.* Within a reasonable time of the receipt of the application, the planning and zoning board shall hold a public hearing in relation thereto, at which parties in interest and citizens shall have an opportunity to be heard.

a. At least fifteen (15) days notice of the time and place of such hearing shall be published in a newspaper of general circulation in the city, notice of the hearing shall be posted on the subject property and all property owners within a three hundred (300) foot radius of the boundaries of the subject property shall be notified by certified and/or ordinary first class mail at least fifteen (15) days in advance of the hearing, provided, that where the applicant is the owner of land not included in the application, and the land not included is a part of or adjoins the parcel for which the conditional use is requested, the three hundred (300) foot requirement shall be measured from the boundaries of the applicant's ownership, including the land not covered by the application.

b. Within thirty (30) days of the public hearing, the planning and zoning board shall submit a report and recommendation to the city commission.

(3) *Commission action.* Within a reasonable time of the receipt of the planning and zoning board's recommendation, the city commission shall hold a public hearing in relation thereto, at which parties in interest and citizens shall have an opportunity to be heard.

a. Following the public hearing, the city commission may approve, approve with conditions, or deny the application based on the approval standards of subsection (b) above.

b. The city commission may impose such conditions or restrictions upon a conditional use approval as necessary in order to ensure that the approval standards are met and to eliminate or minimize the injurious effect of such use upon surrounding properties.

(e) *Effect of approval.* Approval of a conditional use shall be subject to the following provisions.

(1) Approval of a conditional use under this section shall be valid for a period of one (1) year following the date of approval and thereafter shall become null and void, unless construction or use is substantially underway during such one-year period or unless an extension of time is approved by the planning and zoning board before the expiration of such one-year period.

(2) A conditional use granted under the provisions of this section shall not be transferable from place to place and shall be valid only at the place designated on the conditional use permit.

(3) Permits issued under a conditional use approval may be revoked by the city commission for failure to comply with conditions of approval or applicable regulations, after review and a public hearing.

Sec. 23-153. Variance.

(a) *Purpose and intent.* For purposes of this section, "variance" shall mean a modification of the zoning district regulations when such variance will not be contrary to the public interest and when, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of the ordinance would result in unnecessary and undue hardship.

(b) *Applicability.* A variance is authorized only for height, area, size of structure or size of yards and open spaces, and off-street parking and loading requirements. Establishment or expansion of a use otherwise prohibited shall not be allowed by variance nor shall a variance be granted because of the presence of non-conformities in the zoning district or classification or in adjoining zoning districts or classifications.

(1) Use variance. The establishment or expansion of a use otherwise prohibited in the zoning district may be permitted by variance provided that the characteristics of the site (for example, the presence of jurisdictional wetlands, environmentally-sensitive lands) or other pre-existing uses on the site or adjacent thereto would serve to preclude the development of the property within the permitted uses allowed in the applicable zoning district.

Applicants for use variances shall submit with their application, a statement from a Florida registered engineer explaining the unique

circumstances of the site which would preclude alternate development within the permitted uses of the zoning district.

(Ord. No. 03-1-4, § 1, 1-28-03)

(c) *Application.* Any person applying for a building permit found to be in non-conformance to the city zoning code may apply for a variance from the existing zoning regulations of the city if found to be in accordance with subsection (b) above, and the procedures for requesting a variance which are set forth as follows:

(1) Clear architectural plans and site plan shall be submitted, prior to variance application, to the building department, in such detail that all required variances to the city code may be determined by city staff.

(2) The building department shall issue to the applicant in writing a letter indicating:

a. Administrative denial of application for a building permit;

b. That the city has received plans in such detail as to enable determination of all required variances to specific sections of the city code;

c. A specific list of variances required in order for the plans to be in complete compliance with the city code.

(3) Filing of variance application shall be in duplicate, on forms to be supplied by the city, with the city clerk. The application must be accompanied by the letter required in subsection (2) above, and shall include the following:

a. Name of applicant;

b. Applicant's relation to the property involved;

c. The legal description of the property;

d. The variance(s) from existing regulations requested;

e. The hardship for requesting the variance(s).

f. A copy of the administrative denial from the building department.

(4) Each application for a variance shall be accompanied by a fee in the sum of two hundred fifty dollars ($250.00), payable to the city. Said fee shall be nonrefundable, provided, however, the city commission shall have the authority to direct the refunding of said fee in their sole and exclusive discretion.

(d) *Scheduling of public hearings.* Upon receipt of the application the city clerk shall docket same for a public hearing to be held for review and recommendation by the planning and zoning board at the next regular meeting of the planning and zoning board, which shall be at least twenty-five (25) days subsequent to the date of the filing of the application. The city clerk shall docket same for a public hearing to be held by the city commission at the next regular or special meeting of the city commission, which shall be at least twenty-five (25) days subsequent to the date of the filing of the recommendation by the planning and zoning board.

(e) *Notification.*

(1) Notice of each meeting shall be published by the city clerk in a newspaper of general circulation in the city, which notice shall be published once, with the dates of the respective meetings.

(2) The city clerk shall send notice of the aforesaid planning and zoning board meeting and city commission public hearing by first class United States mail to each owner of real property located within three hundred (300) feet of the property on which the variance is requested. Notice of said meetings shall also be sent, via certified mail, to the petitioner.

(3) Each applicant for a variance on non-residentially zoned property(s) shall post the property(s), which is (are) the subject of such application with signs indicating that a variance is pending.

a. Each sign to be posted in conformity with this section shall measure forty-eight (48) inches by forty-eight (48) inches and shall be constructed of three-quarter (3/4) inch A/C exterior grade plywood, set thirty-six (36) inches above surrounding grade from the bottom of the sign board, mounted on two (2) four (4) inch by four (4) inch by ten (10) foot pressure-treated posts or metal angles.

b. Signs shall be painted with white enamel paint background and black enamel painted letters, except that the top line shall be painted red enamel. Lettering shall be gothic style upper case with the top line measuring at least eight (8) inches in height and all other lines measuring at least three (3) inches in height.

c. Text sign shall read as follows:

Variance Applied For This Property

Public Hearing Dates:

Planning & Zoning: (Insert date)

City Commission: (Insert date)

For further info, call Planning Dept. 954-434-4300, ext. #226

d. Signs shall be placed at each street entrance to the subject property.

e. Each sign to be posted in conformity with this section shall be placed upon the parcel upon which the applicant is seeking a variance concurrently with the filing of an application for a variance with the city clerk and shall remain upon subject property until the city commission has finally adopted or rejected the applicant's rezoning request. It shall be a violation of this section for any sign posted to remain more than seven (7) days following final commission action upon applicant's variance request.

f. Each applicant prior to being scheduled for city commission action or an ordinance granting the variance application shall submit a sworn affidavit that they have acted in compliance with this section.

(4) Applicants for variances, in addition to any fee set forth hereinabove, shall be required to pay the actual costs of any advertisements required in accordance with this code and applicable laws.

(5) Notice of each public hearing shall be posted on site on non-residentially zoned property(s) in a conspicuous place in the city hall at least fifteen (15) days prior to the date of the hearing.

(f) *Planning and zoning board action.* The planning and zoning board shall consider the application for the variance at the meeting docketed by the city clerk, and may recommend approval of the variance as requested, recommend approval as amended, recommend disapproval or table the variance.

(g) *City commission action.* The city commission shall consider the application for the variance at the hearing docketed by the city clerk, and the approval of the variance as requested or as amended by the commission shall only be on the affirmative vote of at least three (3) members of the commission.

(h) *Expiration of approval.* Any variance authorized by the city commission shall expire ninety (90) days after the date of action on the variance by the city commission unless building permit, based upon and incorporating the variance, is issued within the aforementioned ninety (90) day period.

(i) *Reapplication.* Upon rejection by the city commission of any application for a change, exception, and/or variance in existing zoning ordinances and regulations as same affects a specific lot, piece or parcel of land in the city, a period of not less than twelve (12) months shall elapse before the city commission will accept other, further, or new applications for the same change, exception, and/or variance, regardless of the identity of the petitioner.

(Ord. 95-4-2, § 1, 4-11-95; Ord. No. 20-3-1, § 2, 4-14-20)

Sec. 23-154. Additional fees for rezonings and variances.

In addition to all other fees required in connection with an application for a zoning change or an application for a granting of a variance, the applicant shall pay unto the city the actual cost incurred by the city in the completion of the ownership search of adjacent property owners who are required to receive notification of the application, the cost of publication of the notice and the cost of mailing and duplicating the notice. The city shall upon a determination of the exact cost as aforesaid forthwith notify the applicant of the costs incurred or to be incurred as hereinabove set forth and may defer any further action upon the application for rezoning or for a variance until the aforesaid costs have been paid in full, which costs shall be determined to be a part of the application fee, and in addition to any amount otherwise required. The city may, as a condition precedent to taking any action on the application, require the posting of a deposit in an amount estimated by the city to be the costs to be incurred as aforesaid. All funds received hereunder shall be receipted and deposited in the same manner as the application fee heretofore required on the applications for rezoning and/or granting of variances.

Sec. 23-155. Construction permits.

(a) The issuance or granting of a permit or approval of plans and specifications shall not be deemed or construed to be a permit for or an approval of any violations of any of the provisions of this chapter. No permit presuming to give authority to violate or cancel the provisions of this chapter shall be valid except insofar as the work or use which it authorizes is legal.

(b) The issuance of permit upon plans and specifications shall not prevent the building official from thereafter requiring the correction of errors in the plans and specifications, or preventing building operations being carried on thereunder when in violation of this chapter.

Sec. 23-156. Nonconforming provisions.

(a) *Applicability.* This section shall control land uses, buildings or other structures that were legally established but do not currently conform to the provisions of this chapter as the result of the enactment of this chapter, its predecessor, or subsequent amendment thereof.

(b) *Nonconforming use of buildings.* The lawful use of a building may be continued although such use does not conform to the provisions of this chapter. Such use may be extended throughout the building, provided no structural alterations except those required by law or ordinance, or ordered by an authorized officer to ensure the safety of the building, are made therein. No such use shall be extended to occupy any land outside such building. If such nonconforming building is removed, or the nonconforming use of such building is discontinued for a continued period of ninety (90) days, every future use of such premises shall be in conformity with the provisions of this chapter.

(c) *Change of nonconforming use of buildings.* If no structural alterations are made, a nonconforming use of a building may be changed to a use of the same or higher classification. For the purposes of this provision, the zoning districts shall be considered arranged in a hierarchy from the highest, or most restrictive (A-1), to the lowest, or least restrictive (I-1), as shown in section 23-1, districts established, and uses shall be classified according to the highest zoning district in which they are permitted by right. When a district shall hereafter be changed, the then existing nonconforming use in such changed district may be continued or changed to a use of similar or higher classification, provided all other regulations governing the new use are complied with. Whenever a nonconforming use of a building has been discontinued or changed to a higher classification, or to a conforming use, such use shall not thereafter be changed to a nonconforming use of a lower classification.

(d) *Nonconforming use of land.* The lawful use of land although such use does not conform to the provisions of this chapter, may be continued, provided, however, that no such nonconforming use shall be enlarged or increased, nor shall any nonconforming use be extended to occupy a greater area of land than that occupied by such use on the date such use became nonconforming. If such nonconforming use is discontinued for a continuous period of ninety (90) days, any future use of the land shall be in conformity with the provisions of this chapter. Where such use of land is not an accessory to the use of a main building located on the same lot or grounds, such nonconforming use of land shall be discontinued and all material completely removed by its owner not later than two (2) years from the date on which the use became nonconforming.

(e) *Noncomplying structures.* The use of a building or other structure lawfully constructed, although not currently conforming to the provisions of this chapter, may be continued and may be enlarged or converted to another use, provided that no enlargement or conversion shall be made that would either create a new noncompliance or increase the degree of noncompliance.

(f) *Building destroyed.* In the event that a noncomplying building or a building occupied by a nonconforming use is damaged or

destroyed to the extent of not more than fifty (50) percent of its replacement value by fire, explosion or other casualty, or act of God, or the public enemy, the building may be reconstructed and the previous use restored, provided that the reconstruction does not increase the degree of noncompliance that existed at the time of such partial destruction. In the event that such a building is damaged or destroyed to the extent of more than fifty (50) percent of its replacement value by involuntary means, such building shall be reconstructed and used only in accordance with the provisions of this chapter.

Sec. 23-157. Reasonable accommodation procedure.

(Ord. 14-2-4, § 4, 2-25-14)

(a) *Purpose and applicability.* This section implements the policy of the City of Cooper City 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 an applicant applying on behalf of one or more qualified individuals) may request a reasonable accommodation with respect to the City's land use or zoning laws, rules, policies, practices or procedures as provided by the FHA and the ADA pursuant to the procedures set out in this section.

(b) *Application.* An applicant shall request relief under this section prior to filing a lawsuit, by completing a reasonable accommodation request form, which is available from the City's Growth Management 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 of the request for reasonable accommodation on the City's public notice bulletin board and shall maintain copies available for review in the Growth Management Department and the City Clerk's Office. The notice shall advise the public that a request for reasonable accommodation is pending. The location, date and time of the applicable public hearing shall be included in the notice.

(d) *Application and hearing.* The City Manager shall have the authority to consider and act on requests for reasonable accommodation submitted to the Growth Management Department. A public hearing shall be held by the City Manager on the request for reasonable accommodation within forty-five (45) days of receipt of a completed application, unless the applicant agrees in writing to extension of the hearing date. A final written determination shall be issued by the City Manager no later than thirty (30) days after the conclusion of the public hearing. The final written determination may: (i) grant the relief requested, (ii) grant a portion of the request and deny a portion of the request, or impose conditions upon the grant of the request, or (iii) deny the request. Any determination shall be final, in writing, and shall state the reasons for the decision. The final written determination shall be sent to the applicant by certified mail, return receipt requested.

(e) *Additional information.* If necessary, prior to the public hearing, the City may request additional information from the applicant, specifying in sufficient detail what information is required. In the event a request for additional information is made to the applicant by the City, the hearing shall be conducted within 30 days after the applicant's provision of the additional information requested. The applicant shall have fifteen (15) days after the date the information is requested to provide the additional information. If the applicant fails to timely respond with the requested additional information, the City shall notify the applicant and proceed with scheduling a public hearing; however, the applicant and the City may extend the time period for conducting the hearing by mutual agreement. The City Manager will issue a final written determination regarding the relief requested as required in subsection (d) of this section, based on the information in the City's possession at the time of the public hearing.

(f) *Criteria.* In determining whether the reasonable accommodation request shall be granted or denied, the applicant shall be required to establish that the request is reasonable and necessary to afford handicapped or disabled persons an equal opportunity to use and enjoy housing, by first establishing that the persons to receive the benefit from the request are handicapped or disabled, as defined in the FHA and/or ADA. Although the definition of disability is subject to judicial interpretation, for purposes of this subsection, the applicant must show that the disability involves:

(i) A physical or mental impairment which substantially limits 1 or more major life activities;

(ii) A record of having such impairment; or

(iii) That they are regarded as having such impairment.

Next, the applicant shall be required to demonstrate that the proposed accommodation being sought is reasonable and necessary to afford handicapped or disabled persons equal opportunity to use and enjoy housing. The foregoing (as interpreted by the courts) shall be the basis for a decision of the City Manager upon a reasonable accommodation request.

(g) *Exhaustion required.* Completion of the reasonable accommodation procedures 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 reasonable accommodation procedures shall constitute the exhaustion of all administrative remedies available from the City.

(h) *Effect while pending.* While an application for reasonable accommodation or appeal of a determination of same is pending before the City, the City will not enforce the Code, rules, policies, and procedures which are the subject of the request against the applicant, except that the City may seek relief through the code enforcement procedures of Article VI "Code Enforcement" of Chapter 13 "Public Safety" of the Code of Ordinances, or through injunctive relief if an imminent threat to the health, safety and welfare of the public is present.

(i) *Appeals.* An applicant aggrieved by a decision of the City Manager on a request for reasonable accommodation may appeal the decision to the City Commission in accordance with the following procedures:

(1) The denial or other disputed determination of a request for reasonable accommodation pursuant to this section may be appealed to the City Commission by filing a notice of appeal, on a form provided by the City Manager, within 30 days of the date of the issuance of the final written determination by the City Manager in accordance with subsection (d).

(2) After receipt of the notice of appeal, the appeal will be placed on a City Commission agenda for a hearing within 60 days, with public notice provided as required by subsection (c). At the hearing, the applicant may present evidence and testimony relating to the issues appealed, and the standard of review for such appeal shall be *de novo*.

(3) At the hearing, the City Commission shall grant the appeal, deny the appeal or grant the appeal subject to conditions.

(j) *Additional provisions for reasonable accommodation.* The following provisions shall be applicable:

(1) The City shall display a notice in its public notice bulletin board and on its website advising the public of this reasonable accommodation procedure and that applications for reasonable accommodation may be obtained from the Growth Management Department.

(2) An applicant may apply for reasonable accommodation on his or her own behalf, or may be represented at all stages by a representative designated by the applicant.

(3) The City shall provide such assistance and accommodation as is required pursuant to federal and state law, 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 that the process is accessible.

(Ord. 14-2-4, § 4, 2-25-14)