



# CITY OF PEMBROKE PINES

# LAND DEVELOPMENT CODE

Amendment 3: December 11, 2025 (ORD NO. 2056)

Amendment 2: June 18, 2024 (ORD NO. 2022)

Amendment 1: June 15, 2022 (ORD NO. 1989)

Effective: April 26, 2021 (ORD NO. 1963)

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# ARTICLE 1 PURPOSE

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## 155.100 TITLE

This Code shall be officially entitled the “Land Development Code of the City of Pembroke Pines, Florida”, and may be referred to as the “Pembroke Pines Land Development Code,” the “Land Development Code,” the “LDC,” or “this Code”.

## 155.101 AUTHORITY

This Code is enacted pursuant to the requirements and authority of F.S. ch. 163, pt. II (the “Local Government Comprehensive Planning and Land Development Regulation Act”), the general powers confirmed in Florida Statutes Code 166 (“Home Rules Powers Act”) and the Constitution of the State.

## 155.102 GENERAL APPLICABILITY, ANNEXATION AND VESTED RIGHTS

- (A) General Applicability. Unless otherwise permitted as an exception under subsection (C) below or allowed to continue as a nonconforming use, all existing, proposed and new development and uses of land in the City shall conform strictly to the provisions of this Code. Except as expressly provided in this Code, no development or use of land shall be undertaken without prior approval and issuance of a development order pursuant to the provisions of this LDCs. The fact that a development order, permit or decision has been issued by an officer or employee with ostensible authority over the interpretation or enforcement of this Code shall not estop or otherwise prevent the City from strict enforcement of the provisions of this Code. If provisions of this LDCs are inconsistent with one another, or with provisions of other adopted codes or ordinances of the City, or with provisions of applicable county, state, and federal laws, the more restrictive provision shall govern to the extent permitted by law unless the terms of the more restrictive provision specify otherwise. The more restrictive provision is the one that imposes greater restrictions, or more stringent controls.
- (B) Annexation Agreements. Nothing in this LDC is intended to supersede, annul, or interfere with any rights, covenant, or other agreements provided for in any currently effective annexation agreement between the City and any private parties, but such annexation agreements shall not excuse any failure to comply with any applicable provisions this LDC.
- (C) Exceptions.
1. The provisions of this LDC and any amendments hereto, shall not affect existing development which has been previously approved and is otherwise exempted in accordance with the provisions of this subsection, or the nonconformity section of this Code.
  2. The provisions of this LDC shall not affect development, or portions thereof, which has gained a vested right to complete development pursuant to Florida law, prior to the effective date of this Code. Upon completion of such vested development, or portions

thereof, each non-vested and vested development project with regard to future development expansion or redevelopment will be subject to the then currently effective provisions of this Code. If a vested right expires, is revoked, or otherwise becomes invalid, any subsequent development of the site shall be subject to the procedures and standards of this Code.

3. Notwithstanding anything to the contrary in this Code, properties zoned prior to the effective date of this Code shall be permitted to complete development of the portion(s) of the project having a valid and current master site plan that includes specific land development standards adopted by the City Commission. If no such master site plan exists, or such plan has expired, such development shall conform to the provisions of this Code.
4. A development application accepted as complete under the prior regulations, but still pending a final decision as of the effective date of this Code, shall be reviewed and decided, at the applicant's option as stated in writing, wholly under the development regulations in effect when the application was accepted, or wholly under this Code (but not under a mix of provisions from both sets of regulations).

### 155.103 CONSISTENCY WITH COMPREHENSIVE PLAN

Nothing in this section shall be construed to authorize development that is inconsistent with the City's comprehensive plan, as may be amended from time to time.

### 155.104 PURPOSE

(A) The purpose and intent of the LDC is to promote the public health, safety, and general welfare, and to implement the goals, objectives, and policies in the City of Pembroke Pines Comprehensive Plan. More specifically, the LDC is intended to do the following:

1. Establish comprehensive, consistent, effective, and equitable standards, processes and procedures for the review and approval of development which implement the comprehensive plan and other adopted plans, respect the right of landowners, and consider the interest of the City's citizens.
2. Enhance the quality of life of all residents and property owners of the City.
3. Establish rules of procedure for land development approvals.
4. Promote the orderly development of land within the City.
5. Strengthen the value of land, buildings and resources, by protecting landowners from adverse impacts of adjoining developments.
6. Support economic development that is consistent with the City's mission.
7. Provide diverse housing opportunities.
8. Support and encourage green building practices.
9. Provide for safe and efficient traffic circulation of pedestrian and vehicles.
10. Establish an overall sense of place for the City.

## 155.105 INTERPRETATION

- (A) The interpretation and application of the provisions of this Code will be construed broadly to promote the public health, safety, and general welfare of the City, its residents, and businesses.
- (B) Responsibility for interpretation. In the event that any question arises concerning the application of regulations, performance standards, definitions, development criteria, or any other provision of this Code, the Director of the Planning and Economic Development Department shall be responsible for interpretation and shall look to the city comprehensive plan for guidance. Responsibility for interpretation by the Director shall be limited to standards, regulations, and requirements of this Code, but shall not be construed to include interpretation of any technical codes adopted by reference in this Code, not be construed as overriding the responsibilities given to any commission, board or official named in other sections or articles of this Code.

## 155.106 SEVERABILITY

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

## 155.107 USE OF PROPERTY IN GOVERNMENT CAPACITY

The provisions of this code are not intended, and shall not be construed, to preclude the use of any property by the City in any city government capacity, function, or purpose.

## 155.108 EFFECTIVE DATE

The effective date of The Land Development Code of the City of Pembroke Pines, Florida is April 26, 2021.

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# ARTICLE 2 DEFINITIONS

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## 155.200 PURPOSE

- (A) For the purposes of this LDCs, the following words, terms and phrases shall have the meanings attached to them, except where the context clearly indicates a different meaning or where a specific definition is contained within an individual article or section.

## 155.201 RULES OF CONSTRUCTION

- (A) In the interpretation of the language of this LDCs, the rules set out in this subsection shall be observed unless such construction would be inconsistent with an Ordinance or Resolution of the City.
1. Generally. Terms used in these regulations, unless otherwise specifically provided, shall have the commonly understood meanings, per definition contained within the LDC or the meaning reasonably ascribed to them by the City Commission.
  2. Computation of time. The time within which an act is to be performed and completed shall be computed by excluding the first and including the last day. If the deadline or required date of action is a Friday, Saturday, Sunday or legal holiday recognized by the city, then the deadline or required date of action shall be the next day that is not a Friday, Saturday, Sunday, or holiday observed by the City.
  3. Administrative delegation of authority. Whenever a provision of this LDCs requires any city officer or employee to do some act or perform some duty, these land development regulations shall be construed to authorize delegation to professional-level subordinates to perform the required act or duty unless the terms of the provision or section specify otherwise. Following any reorganization of the structure or duties of existing departments, authority shall be delegated to the appropriate successor department or division.
  4. Gender. Words importing the masculine or feminine gender shall be construed to include all genders.
  5. Non-technical and technical words. Words and phrases shall be construed according to the common and approved usage of the language. Technical words and phrases and such others as may have acquired a particular and appropriate meaning in law shall be construed and understood according to such meaning.
  6. Number. A word importing the singular number may extend and be applied to several persons or things as well as to one person or thing, unless the context of the particular usage clearly indicates otherwise. The use of the plural number shall be deemed to include any single person or thing.
  7. Mandatory and Discretionary Terms. The words "shall," "must," and "will" are mandatory in nature, establishing an obligation or duty to comply with the particular provision. The words "may" and "should" are permissive in nature.
  8. Tense. Words used in the past or present tense include the future as well as the past or present, unless the context of the particular usage clearly indicates otherwise.
  9. Written or in writing. The term "written" or "in writing" shall be construed to include any representation of words, letters or figures, whether by printing, electronic or otherwise.
  10. Year. The word "year" shall mean a calendar year, unless otherwise indicated.
  11. Day. The word "day" shall mean a calendar day, unless otherwise indicated.

12. **Headings, Illustrations, and Text.** In the event of a conflict or inconsistency between the text of this Code and any heading, caption, figure, illustration, table, or map, the text shall control.
13. **Lists and Examples.** Unless otherwise specifically indicated, lists of items or examples that use terms such as "for example," "including," and "such as," or similar language are intended to provide examples and are not exhaustive lists of all possibilities.
14. **References to Other Regulations/Publications.** Whenever reference is made to a resolution, ordinance, statute, regulation, or document, it shall be construed as a reference to the most recent edition of such regulation, resolution, ordinance, statute, regulation, or document, unless otherwise specifically stated.
15. **Public Officials and Agencies.** All public officials, bodies, and agencies to which references are made are those of the City of Pembroke Pines, Florida, unless otherwise indicated.
16. **Conjunctions.** Unless the context clearly suggests the contrary, conjunctions shall be interpreted as follows:
  - (a) "And" indicates that all connected items, conditions, provisions or events apply; and
  - (b) "Or" indicates that one or more of the connected items, conditions, provisions, or events apply.

## 155.202 TERMS NOT DEFINED

Words and phrases inherent to the regulation and legislation of land uses and the land development process in the State, and that are not defined below, shall use those definitions contained in the applicable sections of the Florida Statutes. If said term is not defined in the Florida state statutes, the Director shall provide a definition.

## 155.203 DEFINITIONS

**Abrasive Products:** A material used for the shaping or finishing of ceramics, wood, and other previously prepared materials.

**Accent Plants:** Singular plant material that enhances landscape value that might include, but not limited, to colorful flowers, colorful vegetation, and distinctive form.

**Accessory Building:** A building or structure on the same lot as a principal or primary building including roofed structures such as gazebos, pergolas, sheds, Chickee Huts and the like.

**Accessory Structure:** A non-habitable structure incidental to the primary building on a lot.

**Accessory Dwelling Unit:** An ancillary or secondary living unit, that has a separate kitchen, bathroom, and sleeping area, existing either within the same structure, or on the same lot, as the primary dwelling unit. Accessory dwelling units are commonly referred to as granny or mother-in-law flats and are also sometimes referred to as accessory apartments, garage apartments, carriage houses, and backyard cottages.

**Accessory Use:** A use that is located on the same lot as the principal use; contributes to the comfort, convenience, or necessity of the principal use.

**Addition:** Any walled or roofed extension that increases the floor area, number of stories or height of a building or structure.

**Administrative Review:** The process by which staff of the Planning and Economic Development Department consider modifications to an existing site development plan.

**Adult Daycare:** A use in which non-medical care, supervision, planned activities, and guidance is provided on a regular basis in a non-institutionalized setting for part of the 24-hour day to three or more adults 18 years or older, not related to the owner or caregiver who require specialized activities and attention.

**Adult Entertainment Establishment:** Without limitation, any place of business which advertises or conducts activities for compensation that is designated or intended to establish a sexual or social communication, engagement or relationship, whether on or off the premises, between its adult clients and its employees.

**Adult Material:** Without limitation on media and technologies, new or used books, magazines, periodicals, or other printed matter, photographs, films, motion pictures, video cassettes, slides, or other visual representations; recordings, other audio matter; and novelties or devices that have, as their primary or dominant theme, subject matter depicting, exhibiting, illustrating, describing, or relating to specified sexual activities or specified anatomical areas. It may also be Instruments, novelties, devices, or paraphernalia which are designed for use in connection with specified sexual activities; or live exhibitions or performances that have as their primary or dominant theme the display of specified sexual activities or specified anatomical areas.

**Advertising:** Any form of public announcement intended to aid, directly or indirectly, in the sale, use, or promotion of product, commodity, service, activity, or entertainment.

**Aerial Roots:** Any root structure growing in a vertical arrangement towards the soil, extending downward from any above ground portion of a tree, especially found on ficus species. Used for support and assistance in maintaining stability during strong winds.

**Affected Person:** A person or persons, natural or corporate, who is a member of the city commission or who is the owner of the subject property or who owns property within 500 feet of the subject property as listed in the records of the county property appraiser.

**Alcohol, Barrel:** A container holding 10 gallons of alcohol which may be made of wood or other material.

**Alcohol, Case:** Package(s) of wine containing up to 12 bottles of wine with each bottle containing 750mL or packages of beer containing up to 24 bottles with each bottle containing up to 385 mL.

**Alcohol, Package Store:** A place where alcoholic beverages are dispensed or sold in container for consumption off of the premises.

**Alcohol, Small Scale Production:** Beer that is produced in an amount no greater than 15,000 barrels per year and wine that is produced in an amount no greater than 3,000 cases per year.

**Alley:** A right-of-way providing a secondary means of access and service to abutting property.

**Alteration:** Any construction or renovation to an existing structure other than a repair or addition.

**American's with Disabilities Act (ADA):** ADA became law in 1990 and has been amended from time to time. The ADA is a civil rights law that prohibits discrimination against individuals with disabilities in all areas of public life, including jobs, schools, transportation, and all public and private places that are open to the general public. The purpose of the law is to make sure that people with disabilities have the same rights and opportunities as everyone else.

**Annexation:** Addition of real property to the boundaries of an incorporated municipality.

**Antenna:** A transmitting and/ or receiving device used for wireless services that radiates or captures electromagnetic waves, including directional antennas, such as a panel and microwave dish antennas, and Omni- directional antennas, such as whips, excluding radar antennas, amateur radio antennas, and satellite earth stations.

**Applicant:** The owner of land, or the authorized representative of the landowner who is applying for a development application or landscape permit within the City.

**Architectural Compatibility:** The design of a building or structure utilizing similar elements including colors or materials that are similar to the principal building or structure on a particular site.

**Assisted Living Facility:** A state licensed building or buildings, section or distinct part of a building, private home, boarding home, home for the aged, or other residential facility, regardless of whether operated for profit, which through its ownership or management provides housing, meals, and one or more personal services for a period exceeding 24 hours to one or more adults who are not relatives of the owner or administrator.

**Automotive Dealership:** Facility that specializes in the sale of automobiles and vehicles, service and repair of automobiles and vehicles, and the retail sales of related goods and parts.

**Auto Repair, Major:** General repair, rebuilding, or reconditioning of engines, motor vehicles, or trailers; collision service including body, frame, or fender straightening or repair; overall painting or paint shop; vehicle steam cleaning.

**Auto Repair, Minor:** Incidental body or fender work, other minor repairs and maintenance such as painting and upholstery, replacement of parts, oil changes, and motor services to passenger cars and trucks not exceeding one- half tons capacity.

**Awning:** An architectural projection that provides weather protection, identity or decoration and is partially or wholly supported by the building to which it is attached. It is comprised of a lightweight frame structure of which a covering is attached. It may be cantilevered, fixed, moveable, retractable, or otherwise entirely supported from a building.

**Balcony:** An exterior platform at an opening in a building façade which is enclosed by a railing, balustrade, or parapet. It may project from the building façade and may or may not be covered or it may be inset into the volume of the building.

**Banquet Hall:** An establishment that consists of an enclosed building, or portion of a building, available for the purpose of holding banquets, dinners, entertainment, luncheons, sports events or other similar social events.

**Bar or Lounge:** An establishment having as its principal or predominant use the serving of alcoholic beverages (e.g., beer, wine, or liquor) for consumption on the premises, and which sets

a minimum age requirement for entrance, consistent with all applicable state laws. The primary source of revenue for such use is derived from alcoholic beverage sales, and the secondary source from the serving of food.

**Bicycle Parking Facility:** A roofed or unroofed structure for the keeping of bicycles.

**Board of Adjustment (BOA):** A quasi-judicial board tasked with hearing and interpreting regulation of the Land Development Code including but not limited to appeals and residential variances.

**Boat:** Any watercraft used or capable of being used as a means of transportation on water.

**Body Art Studio:** A use that is accessory to a personal care service or medical and health care facility; involves the practice of tattooing, permanent make-up, micro blading and micropigmentation and the like which most frequently features custom, fine art design and “by appointment” services only.

**Bollards:** Low, single posts typically composed of stone or concrete to prevent vehicles from entering an area.

**Boulevard Strip:** Landscaped area between a curbed roadway and a sidewalk that is usually contoured to insure surface water runoff with little water collection and is less than five feet wide.

**Brewpub:** An establishment where food, beer and malt beverages are dually licensed to be made on the premises where beer and malt beverages are produced on site and sold and/ or consumed on site.

**Broward County:** Political subdivision of the State of Florida.

**Broward County Land Use Plan:** The future land use plan element for all Broward County, Florida adopted by the Broward County Commission in conformance with the requirements of the Broward County Charter and the Community Planning Act.

**Bufferyard:** A unit of land, together with a specified type and amount of planting thereof, and any structure, as defined in this section, which may be required between land uses to eliminate or minimize conflicts between them.

**Building:** Any structure used or intended for supporting or sheltering any use or occupancy.

**Bulb or Lamp:** The component of a luminaire that produces the actual light.

**Canopy:** A permanent fixture made of metal or glass that is attached to a structure and is not intended to provide shade.

**Canopy Tree:** Are trees with thick canopies or foliage coverings. Typical to having a single trunk growing to a considerable height and bearing lateral branches at some distance from the ground. Canopy trees may also be referred to as hardwood or shade trees.

**Car Gallery:** Retail facility that specializes in the direct-to-consumer sale of new cars; car galleries shall not have on-site inventory.

**Carports:** A covered private garage not completely enclosed by walls and doors.

**Certificate of Occupancy:** A document issued by the Building Official pursuant to the Building Code that allows the occupancy and use of the building(s) and structure(s) and certifying that said building(s) and structure(s) and use(s) have been constructed and will be used in compliance with all applicable municipal codes.

**City:** The City of Pembroke Pines

**City Commission or Commission:** The governing body for the City of Pembroke Pines.

**Club, Night:** A place of entertainment with a restaurant, bar, or other similar establishment providing food or refreshments, wherein floor shows or other forms of entertainment by persons are provided for guests.

**Club, Private:** Associations and Organizations of a fraternal or social character, not operated or maintained for profit. This shall not include casinos, night clubs, or other institutions operated as a business.

**Commercial Vehicles:** Any vehicle designed, intended, or used for the transportation of people, goods, or things other than private passenger vehicles and trailers for private nonprofit transport of goods and boats; and as defined further by the State Division of Motor Vehicles as any vehicle which exceeds Class 32 for licensing purposes.

**Common Area:** Land within or related to a development, not individually owned or dedicated for public use, which is designed and intended for the common use or enjoyment of the residents of the development.

**Complementary Amenities:** Roadways, parking areas, pedestrian connections and bicycle facilities used in connection with the operations of the development which it is located.

**Complete:** The determination on whether the information required for development application submission is sufficient enough to allow further processing and evaluation.

**Completely Enclosed Buildings:** A building separated on all sides from adjacent open space, or from other buildings or other structures, by a permanent roof and by exterior walls or party walls, pierced only by windows and normal entrance or exit doors.

**Comprehensive Plan:** The principles, guidelines, standards, and strategies for the orderly and balanced future economic, social, physical, environmental, and fiscal development of the area that reflects community commitments to implement the plan and its elements.

**Comprehensive Plan Amendment:** A text or map amendment to the future land use element of the city's comprehensive plan which includes Land Use Plan Amendments.

**Construction:** Any improvement, development, or change of the land from its present state, or building, repairing, relocating, demolishing a structure.

**Construction Fence:** A temporary artificial freestanding barrier used to enclose, restrict or prevent access to, conceal or screen a construction area with an active building permit.

**Content Neutral:** Expression without the regard to the substance or message of expression.

**Cornice:** Projecting ornamental molding along the top of a building or a wall.

**Correlated Color Temperature (CCT):** Defines the color appearance of a white LED, it is defined in degrees of kelvin (K).

**Corridor:** Any land area designated by the state, county or municipality which is used or suitable for the movement of people and goods by one or more modes of transportation.

**Coverage:** The percentage of lot area covered or occupied by buildings or roofed portions of structures.

**Crime Prevention Through Environmental Design (CPTED):** The use of design and the built environment as a means to reduce incidence and fear of crime.

**Crown of Road:** A surface shape that allows water to travel downward toward both sides of the road from a highpoint at the road center.

**Deck:** A structure constructed of concrete, pavers, tile, wood, composite materials and the like upland of the mean water's edge which is not considered a building.

**Deck, Patio:** A structure including pavers, concrete, stone, or other composite material.

**Delegation Request:** The official consideration of amendments to a restrictive note or condition on a recorded plat.

**Density:** An objective measurement of the number of people or residential units allowed per unit of land, such as residents per acre as defined in F.S. 163.

**Design Guidelines:** Guidelines for a planned development which include but are not limited to buffers, landscaping, lighting, required yards, setbacks, signage or other guidelines as established herein.

**Designated Uses:** A use identified as either permitted, accessory, or prohibited within the land development code.

**Developer:** Any person, including a governmental agency, undertaking land development.

**Development:** The carrying out of any building activity or mining operation, the making of any material change in the use or appearance of any structure or land, or the dividing of land into three or more parcels and other acts as defined in F.S. 380.04.

**Development Agreement:** An agreement entered into by a developer, the city, or other relevant parties, pursuant to F.S. 163.

**Development of Regional Impact (DRI):** any development that, because of its character, magnitude, or location, would have a substantial effect upon the health, safety, or welfare of citizens of more than one county, pursuant to F.S. 163.

**Development Order (DO):** Any order granting, denying, or granting with conditions an application for a development permit as defined in F.S. 163.

**Development Permit:** includes any building permit, engineering permit, zoning permit, plat approval, or rezoning, certification, variance, or other action having the effect of permitting development as defined in F.S. 163.

**Development Review Committee (DRC):** An advisory group of City staff members and outside agencies (as necessary) who meet to review and comment on development applications.

**Diameter Breast Height (DBH):** The diameter of the trunk of a tree measured at breast height approximately four and one-half feet. The DBH of trees with multiple trunks shall be the sum of the individual trunk diameters at breast height. Trees with less than four and one-half feet of clear trunk shall be measured at the diameter of the largest vertical branch or leader at breast height.

**Dimmer:** Reduces the input power requirements and the rated lumen output levels of lights.

**Director:** The Director of the Planning and Economic Development Department.

**District:** A portion of the territory of the city which certain uniform regulations and requirements or various combinations thereof apply under the provisions of this code.

**Dock:** A structure, floating or fixed, constructed beyond the mean water's edge.

**Domesticated Livestock:** Grazing animals such as cattle, horses, sheep, goats, pigs and hogs.

**Domesticated Poultry:** Any chickens, turkeys, ducks, geese, or other domestic fowl.

**Drip Line:** The area defined by the outermost circumference of a tree canopy where water drips from and onto the ground.

**Drive Aisle:** Areas that provide circulation, ingress, and egress for vehicular and pedestrian traffic.

**Drive-thru Facilities:** the use of land, buildings, and structures, of parts thereof, to provide or dispense products or services, either wholly or in part, through an attendant, window, or automated machine, to persons remaining in motorized vehicles that are in a designated stacking lane.

**Driveway:** A private drive aisle providing access between a street and origin and destination points within an adjacent property.

**Driveway, Residential:** A private vehicular access way to a dwelling unit which is primarily utilized to park motor vehicles. Driveways may be constructed of asphalt, concrete, pavers, or like material.

**Dwelling, Single-family:** A building containing only one dwelling unit designed for or occupied exclusively by one family.

**Dwelling, Two-family:** A building containing two dwelling units, each designed for or occupied exclusively by one family.

**Dwelling, Multi-family:** A building containing three or more dwelling units, each unit design for or occupied exclusively by one family.

**Dwelling:** A building used, intended or designed to be used, rented, leased, let or hired out to be occupied for living purposes.

**Dwelling Unit:** A single unit providing complete, independent living facilities for one or more persons, including permanent provisions for sleeping, eating, cooking and sanitation.

**Easement:** A grant by a landowner to another landowner or to the public, for the right to occupy or use designated land for specific purposes, such as access, drainage, conservation, the location of public improvements, or other specified purpose.

**Eave:** The projecting overhang at the lower edge of a roof.

**Egress:** Exit location for vehicular access on a site.

**Elevation:** A drawing showing an external face of a building.

**Encroachment:** The maximum allowed projection of a building element beyond the minimum setback or into an adjacent public right-of-way.

**Energy Efficiency:** The ratio of useful energy output of a system, conversion process or activity to its energy input.

**Enforcing Officer:** The officers and employees of the department or agency of the city to whom the duty of enforcing the terms of this code assigned under this code.

**Entitlement:** Legal rights conveyed by approvals from government entities to develop a property for a certain use, intensity building type or building placement.

**Environmental Impact Statement:** A document that must be submitted for approval by the U.S. Environmental Protection Agency and the U.S. Department of Transportation for transportation projects that significantly affect the human environment as defined by CEQ (Council on Environmental Quality) regulations.

**Environmentally Sensitive Areas:** Those lands defined as environmentally sensitive in the current Broward County Land Use Plan.

**Erected:** Includes built, constructed, reconstructed, or any physical operations on the premises required for building. This may include excavation and ground remediation.

**Excavation:** The digging, stripping, or removal by any process of natural materials and deposits from their natural state and location.

**Expansion:** An increase in the size of an existing structure or use, including the physical size of the land, building, parking, and other improvements or structures.

**Façade:** The entire exterior wall of a building facing a lot line measured from the grade to the eave or highest point of a flat or mansard roof. Facades may be on any elevation of the building.

**Family:** Persons who are related by blood or marriage, former spouses, persons currently residing together in a unified dwelling unit, persons who are parents of a child in common regardless of marital status.

**Fascia:** The part of a building that extends vertically from the grade to the top wall or eaves and horizontally across the width of the building.

**Fence:** An artificially erected freestanding barrier used to enclose (and protect) an area, restrict or prevent access to an area, to conceal or screen an area, and/or for decorative purposes. A fence may be open or solid and generally consists of wood, metal, concrete, or plastic posts connected by boards, rails, panels, wire, or mesh.

**Fixture:** The assembly that houses the lamp or lamps, and may include all or some of the following parts; reflector (mirror), refractor (lens), ballast, housing, and other attachment parts.

**Flammable Liquid:** Any liquid, which under operating conditions gives off vapor, which, when mixed with air is combustible and explosive.

**Flexibility Allocation:** The assignment of flexibility units assigned by the county but administrated by the city.

**Floor Area:** The sum of the gross horizontal areas of each floor of the principal building and any accessory buildings or structures, measured from the exterior walls or from the centerline of party walls. The term does not include any area used exclusively for the surface parking of motor vehicles (e.g., garage) or for building or equipment access, such as stairs, elevator shafts, and maintenance crawl space.

**Floor Area Ratio:** The gross floor area of all buildings or structures on a lot divided by the total lot area.

**Florida Building Code (FBC):** All building construction regulations for public and private buildings in the state of Florida.

**Florida Friendly Landscaping:** Landscaping principles that include planting the right plant in the right place, efficient watering, appropriate fertilization, mulching, attraction of wildlife, responsible management of yard pests, recycling yard waste, reduction of storm water runoff, and waterfront protection. Additional components include planning and design, soil analysis, the use of solid waste compost, practical use of turf, and proper maintenance.

**Florida Green Building Coalition (FGBC):** The FGBC is a Florida nonprofit corporation dedicated to improving the built environment. The FGBC administers the green design standards of the FGBC's building and community rating systems and administers the FGBC Certifying Agents accreditation program.

**Food Court or Hall:** A collection of restaurants either take-out or dine in that share a common seating area within the same lot.

**Food Production:** A facility intended for production of food products for sale either offsite or on-site via a drive-thru, pickup window or other similar method.-A food production facility may also be referred to as a production kitchen and may include a restaurant component.

**Food Truck:** A mobile kitchen, canteen, or catering truck that serves as a mobile venue which transports and sells food.

**Footcandle (f.c):** A measure of light noted as a unit of illuminance amounting to one lumen per square foot at grade.

**Freestanding Emergency Facility:** Freestanding Emergency Facility, also known as a Hospital-based off-campus emergency department, is a facility that provides emergency services and care, is owned and operated by a licensed hospital and operates under the license of the hospital; and is located on separate premises from the hospital as defined and regulated in Chapter 395, F.S

**Frontage of a Building:** The wall of a building approximately parallel and nearest to a street.

**Frontage of a Property:** The lot line which abuts a street or separates the lot from the street.

**Full Cutoff Fixture:** A lighting fixture manufactured and installed so that all the light emitted by the fixture, either directly from the lamp or a diffusing element, or indirectly by reflection or refraction from an part of the luminaire (except only incidental reflections from supporting brackets or arms) is projected below the horizontal as determined by photometric test or certified by the manufacturer. Any structural part of the light fixture providing this shielding must be permanently affixed.

**Fulfillment Center:** A location typically a warehouse intended to fill customer orders for ecommerce retailers. The type of fulfillment may include business to consumer or business to business orders.

**Future Land Use:** The identification of the intended use of land.

**Future Land Use Map:** A depiction of the proposed general distribution, location and extent of the land uses described in the Future Land Use Element of the Comprehensive Plan.

**Garage, Private:** An enclosed accessory building or an enclosed portion of a main building used for the parking or storage of automobiles owned by the occupants of the main building, excludes a carport.

**Garage, Parking:** A building or other structure which provides parking for motor vehicles, excluding storage of inoperative motor vehicles. It may provide required off-street parking space for uses located on the same lot or on a lot contiguous to the use of the parking lot it is intended to serve.

**Gazebo:** An ornamental garden pavilion with a covered roof and open sides, constructed of wood, metal, or vinyl.

**Geographic Information Systems (GIS):** An arrangement of computer hardware, software, and geographic data that people interact with to integrate, analyze, and visualize the data; identify relationships, patterns, and trends; and find solutions to the problems. The system is designed to capture, store, and update, manipulate, analyze, and display the geographic information. A GIS is typically used to represent maps as data layers that can be studied and used to perform analyses.

**Glare:** Intense and somewhat blinding light, or the sensation produced by a brightness within the visual field that is sufficiently greater than the intensity of light to which human eyes are accustomed or adapted, thereby causing annoyance, discomfort, visual impairment, or loss of reduction of visibility.

**Green Building:** Generally, the resource efficient design, construction, and operation of buildings by employing environmentally sensible construction practices, systems, and materials.

**Green Roof:** A roof of a building that is partially or completely covered with living vegetation and a growing medium, planted over a waterproofing membrane. Also referred to as a Living Roof.

**Green Wall:** An internal or external wall partially or completely covered with vegetation that includes a support structure, growing medium, and integrated water delivery system. Also referred to as a Living Wall or Vertical Garden.

**Greenhouse:** A structure primarily made of glass in which temperature and humidity can be controlled for the cultivation or protection of plants.

**Greenway:** A corridor of protected open space managed for conservation or recreation purposes. They link natural reserves, parks, cultural and historic sites with one another and, in some cases, with populated areas.

**Groundcover:** Includes both small ornamental plants that grow close to the ground and all plant materials commonly classified as turfgrass species.

**Hatracking:** To flat-cut the top or sides of a tree, severing the leader or leaders, internodal cuts, or pruning a tree by stubbing off mature wood larger than three inches in diameter or to reduce the circumference or canopy spread of a mature tree by one-third or more.

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

**Hazardous Tree:** Tree or part(s) of a tree that is believed by the certified arborist or landscape architect to pose a risk to the public.

**Hedges:** A row of shrubs or small trees that are planted close to each other in order to form a boundary.

**Height of a Building:** The vertical distance from grade plane to the average height of the highest roof surface.

**Home Improvement Center:** The sale of a diverse range of hardware, building supplies and related materials, including lawn and garden supplies.

**Home Owners Association (HOA):** A Florida corporation responsible for the operation of a community or a mobile home subdivision in which the voting membership is made up of parcel owners or their agents, or a combination thereof, and in which membership is a mandatory condition of parcel ownership, and which is authorized to impose assessments that, if unpaid, may become a lien on the parcel. The term "homeowners' association" does not include a community development district or other similar special taxing district created pursuant to F.S. 163.

**Hospital:** A hospital is a specialized medical facility dedicated to providing comprehensive diagnosis, treatment, and care for patients suffering from various illnesses, injuries, or medical conditions, as defined and regulated in Chapter 395, F.S. Hospitals typically offer a range of medical services including but not limited to emergency care, surgery, diagnostics, therapy, and ongoing medical management, including inpatient accommodations for patients requiring overnight care and support.

**Hot Spot:** An area of very high illumination above normal foot-candle levels, typically found in an area underneath a luminaire, making normal foot-candle levels appear relatively dark.

**Hotel:** A building, or part thereof, in which sleeping accommodation are offered to the public, with no cooking facilities for use by the occupants, and in which there may be a public dining room for the convenience of the guests. Access to the sleeping rooms shall be through an inside lobby or office.

**Hotel, Full Service:** Upscale, or luxury hotels including a restaurant, meeting space and often room service accessible by the public.

**Hotel, Limited Service:** Hotels that have basic amenities which may include a restaurant and limited conference or meeting space intended for those staying in the hotel.

**Hotel, Extended Stay:** Hotel that offers self service facilities such as laundry, kitchens with limited food and beverage service.

**Hotel Bar:** A bar operated in connection with a hotel, apartment hotel, or motel of more than fifty hotel rooms, motel rooms, or separate apartments, and operated by the same owner or Management Company. It shall be directly connected with the inside of the hotel.

**Illuminance:** The quantity of light arriving at a surface divided by the area of the lighted surface, measured in footcandles.

**Illuminating Engineering Society of North America (IES or IESNA):** The professional society of lighting engineers, including those from manufacturing companies, and others professionally involved in lighting.

**Impervious Surface:** Any nonorganic material which prohibits penetration by liquids and other soluble materials.

**Industrial Cleaning of Materials:** A process by which filter bags, filtration machines or hazardous areas in industrial sites are cleaned using high power water and sanitation.

**Ingress:** Entry location for vehicular access to a site.

**Internal Illumination:** A light source concealed or contained within the sign which becomes visible by shining through a translucent surface.

**Interpretation:** The official determination if a use not listed is permitted within the city.

**Invasive Species:** A species defined as an organism (plant, animal, fungus, or bacterium) that is not native and has negative impacts on our economy, our environment, or our health.

**Junkyard:** Place, structure, or lot where junk, waste, discarded, salvaged, or similar materials such as old metals, wood, slush, lumber, glass, paper, rags, cloth, bagging, cordage, barrels, containers, and the like, are bought, sold, exchanged, baled, packed, disassembled, or handled, including auto wrecking yards, used lumber yards, house-wrecking yards, and yards or places for storage or handling of salvaged house wrecking and structural steel materials.

**Kennel:** Any place or premise where four or more domesticated dogs or cats over four months of age are kept.

**Land:** The surface of the earth and all substances forming that surface which may include water and vegetation.

**Land Use:** The development that has occurred on the land, the development that is proposed by a developer on the land, or the use that is permitted or permissible on the land under an adopted comprehensive plan or element or portion thereof, or the land development code, as the context may indicate.

**Landowner:** The person(s) reflected as the property owner on the current deed.

**Landscape Lighting:** Lighting of trees, shrubs, or other plant material as well as ponds and other landscape features.

**Landscaping:** Includes any of the following or combination of material such as, but not limited to grass, ground cover, shrubs, vines, hedges, trees, or palms; and nonliving durable material commonly used in landscaping such as, but not limited to rocks, pebbles, walls, hedges, or fences.

**LED:** Light Emitting Diode

**Light Pollution:** Any adverse effects of manmade light, often used to denote a brightness of the night sky, otherwise known as urban sky glow.

**Light Trespass:** Light falling where it is not desired, wanted or needed.

**Local Planning Agency (LPA):** The agency designated to prepare the comprehensive plan or plan amendments as defined in F.S. 163.

**Local Public Official:** Any elected or appointed public official holding a city office and who recommends or takes quasi-judicial action as a member of a board or commission.

**Logo:** An approved trademark design or symbol that represents a product, identity, or service.

**Lot:** A portion or parcel of land considered as a unit.

**Lot, Corner:** A lot of which at least two adjacent sides abut for the full length upon a street; provided that the two sides intersect at an interior angle of not more than 135 degrees. With a curved street line, the corner shall be considered to be that point on the street line nearest to the point of intersection of the tangents herein.

**Lot, Depth:** The mean horizontal distance between the front and rear lot lines.

**Lot, Key:** A residential corner lot in which the rear lot lines abut the side lot lines of the adjacent lot.

**Lot Line, Front:** The line dividing a lot from a street or base building line, whichever results in the lesser depth of the lot.

**Lot Line, Rear:** The lot line opposite and most distant from the front lot line. In a triangular or gore shaped lot, the rear line shall be considered a line ten feet in length parallel to and at the maximum distance from the front lot line.

**Lot Line, Side:** Any lot other than the front or rear lot line.

**Lot Line, Street Side:** A side lot line that is adjacent to a street.

**Lot, Through:** A lot abutting on two side streets, not at their intersection which may be a corner lot.

**Lot Width:** The horizontal distance between the side lot lines at the depth of the required front yard.

**Lumen:** A quantitative unit measuring the amount of light emitted by a lamp or luminaire.

**Mansard:** A false roof projecting over the front of a building.

**Marquee:** A permanent canopy often of metal and glass projecting over an entrance.

**Masonry:** Stone work or brick work used in wall construction.

**Master Plan:** A conceptual document that guides future growth, development and redevelopment of a specified area.

**Mean Water's Edge:** The edge of the water that would exist if the water elevation was plus 2.0 North American Vertical Datum (NAVD).

**Median:** The center portion of land of a public right-of-way lying between two paved roads.

**Microbrewery and Microwinery:** An establishment primarily engaged in the small scale production, distribution, and wholesale of beer, ale, or other malt beverages, or wine and shall be permitted only in conjunction with in-house food service.

**Mitigation:** Measures taken to avoid, minimize, or reduce the severity of environmental impacts.

**Mixed-Use Development:** The practice of incorporating more than one land use designation into a single planning location. Can be specific to a development site (vertical mixed use) or a zoning districts which allows for a variety of uses within the district (horizontal mixed use).

**Mobile Food Vendor Unit:** A self- contained mobile unit independent with respect to water, sewer and power utilities, capable of moving or being moved, consisting of an enclosed truck, enclosed trailer or similar vehicle mounted unit that contains equipment, used for the preparation and/or sale of single- serving food products and is closed up when not in operation.

**Mobile Food Dispensing Vehicle:** Means any vehicle that is a public food service establishment and that is self-propelled or otherwise movable from place to place and includes self-contained utilities, as defined by Section 509.102, F.S.

**Mobile Home:** A residential structure, transportable in one or more sections, which is 8 feet or more in width, over 35 feet in length with the hitch, built on an integral chassis, designed to be used as a dwelling when connected to the required utilities, and not originally sold as a recreational vehicle, and includes the plumbing, heating, air-conditioning, and electrical systems contained therein.

**Motel:** A building or part thereof, in which sleeping or living accommodations are offered to the public primarily on a short term or transient basis, with access to the individual units from the exterior of the building, and parking facilities for use of guests near their quarters.

**Motor Home:** A structure built on and made an integral part of a self- propelled motor vehicle chassis, primarily designed to provide temporary living quarters for recreation, camping, or travel use.

**Motor Vehicles:** An automobile, motorcycle, truck, trailer, semitrailer, truck tractor and semitrailer combination, or any other vehicle operated on the roads of this state, used to transport persons or property, and propelled by power other than muscular power, but the term does not include traction engines, road rollers, motorized scooters, micro mobility devices, personal delivery devices and mobile carriers.

**Multi-Use Path or Trail:** A path intended for use by pedestrians, cyclists and other users within or adjacent to a public right-of-way located on public property.

**National Green Building Standard™ (NGBS):** The NGBS is a green building certification program that provides independent, third-party verification that a home, apartment building, or land development is designed and built to achieve high performance in six key areas: Site Design, Resource Efficiency, Water Efficiency, Energy Efficiency, Indoor Environmental Quality, and Building Operation and Maintenance. The NGBS administers the NGBS Green Verifier program.

**Native Trees:** Trees and Palms which are found indigenous or are an original inhabitant of this area.

**Native Vegetation:** Any species of plant considered to be indigenous to South Florida.

**Neighboring Association:** Any condominium or homeowners association which represents any property located within 500 feet of property which is the subject of the petition which is registered with the City Clerk.

**Nonconforming Structures:** A structure or portion thereof existing at the effective date of this code, or any amendment thereto, which was occupied, designed, erected, intended, or structurally altered for a use not permitted at its location by the provisions of this code for a new use, or which does not conform to all of the regulations applicable to the district in which it is located.

**Nonconforming Use:** The use of a structure or premises existing at the effective date of this code, or any amendment thereto, for any purpose not permitted for a new use in the district in which it is located.

**Non-Living Durable Landscape Material:** Includes but not limited to materials such as rocks, pebbles, sand, mulch, artificial turf or pervious decorative paving materials.

**Nursing Home Facility:** A state-licensed facility or any identifiable component of any facility in which the primary function is the provision, on a continuing basis, of nursing services and health-related services for the treatment and inpatient care of two or more non-related individuals, including facilities known by varying designations such as rest homes, convalescent homes, skilled care facilities, intermediate care facilities, extended care facilities, and infirmaries. Accessory uses may include dining rooms and recreation and physical therapy facilities for residents, and offices and storage facilities for professional and supervisory staff. This use type does not include the home or residence of any individual who cares for or maintains only persons related to them by blood or marriage. It also does not include assisted living facilities or community residences.

**Obtrusive Light:** Light which causes annoyance, discomfort, visual impairment, or loss of reduction of visibility.

**Occupied:** Includes arranged, designed, built, altered, converted, rented, leased or otherwise intended to be used.

**Off-Street Loading:** The loading and unloading of materials of materials, goods or merchandise, in designated areas that do not interfere with the public use of streets or alleys.

**Off-Street Parking:** Parking which is not located on a street, generally found within a parking lot or garage.

**Open Space:** A parcel or parcels of land, or water area, or a combination of land and water, within the site and designed and intended for the use or enjoyment of occupants of the surrounding developments. It may contain complementary structures and improvements as are necessary and appropriate for the benefit and enjoyment of occupants.

**Operator:** The auto manufacturer, representative of auto manufacturer, developer, electric vehicle kiosk owner, shopping center property management company, freestanding building owner or lessee, responsible for the installation, management and operation of electric vehicle service and charging stations.

**Ordinance:** A set of regulations enforceable as municipal law.

**Outbuilding:** A free-standing building which adheres to the regulations of the center in which it is located

**Outdoor Display and Sales:** Display of merchandise using an adjacent outside area to the business which it is intended for.

**Outparcel:** A parcel of land situated away from and being external to the main parcel, which allows for an open, non-cluttered, and unobstructed business street frontage equal to or exceeding an open area 150 feet of frontage.

**Outdoor Dining:** Use of an adjacent outside area by a food or beverage establishment for service of patrons.

**Outdoor Recreational Facility:** A facility that is privately owned or operated that provides outdoor recreation activities, including athletic courts or fields, golf, swimming, riding, or the like. These facilities may include accessory structures for incidental services.

**Outdoor Storage:** The keeping, in an area that is not completely and permanently enclosed, of any finished goods, material, merchandise, boats, or vehicles in the same place for more than 24 hours. It may be the principal use of a lot or an accessory use.

**Overlift:** The removal of the majority of the inner lateral branches and foliage thereby displacing weight and mass to the ends of branches. The alteration of the tree's live crown ration may be considered as evidence of over lifting.

**Palm:** An unbranched monocot with a crown of long feathered or fan- shaped leaves and typically having old leaf scars forming a regular pattern on the trunk and is not considered a canopy tree.

**Palm Pruning:** Fronds shall not be removed until all traces of green are one unless removal is to prevent hazardous situations. The fronds shall be cut close to the trunk with a sharp pruning saw or looping shears and at no more than a 9 to 3 view.

**Parapet:** A wall extension above the roof line of a building.

**Paraphernalia:** All equipment, products, and materials of any kind which are intended for use or designed for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling, or otherwise introducing into the human body an illegal or controlled substance or herbs.

**Parcel:** A tract or lot of land as identified by the Broward County Property Appraiser.

**Parking:** The temporary, transient storage of private passenger automobiles used for personal transportation, while their operators are engaged in other activities. This shall apply only to open-air storage of automobiles.

**Parking Lot:** An off- street, ground level area used for the temporary storage of motor vehicles.

**Parking Space:** A surfaced area, accessible from but not located on a street that is intended for the parking of a motor vehicle.

**Party or Parties:** The petitioner, city and any affected person who has requested to be heard at the proceeding.

**Paving:** Hard-surfaced, erosion resistant material such as asphalt, concrete, pavers, bricks, or like material.

**Paved Surface:** Hard-surfaced, stabilized area, section or segment formed and built with asphalt, concrete, pavers, bricks or like material.

**Penal or Correctional institution:** Any institution used to house or detain a person who is convicted of a crime.

**Pervious or Permeable Surface:** A material which allows liquids or gases to pass through to another layer.

**Pet Hotels:** An establishment that provides exercise and training facilities, social and play areas, styling and massage salon facilities, and weight loss centers for use by and for the benefit of domesticated household pet animals.

**Photovoltaic Solar Systems:** Also referred to as solar cells or PV cells convert sunlight into electricity. They are a power system designed to generate useable electricity from sunlight through the process of converting light (photons) to electricity (voltage), which is called the PV effect.

**Pilaster:** A pier or pillar with a capital and base that may serve as decorative features, rather than supporting structures.

**Pines Boulevard Corridor:** This corridor is referring to state road 820 which is measured from Florida's turnpike to highway U.S. 27.

**Place of Assembly:** A space where groups of people gather for a specified activity.

**Plan:** The written and graphic submission for a development application including but not limited to all covenants related to the use, location, and bulk of buildings and other structures, density of development, private streets, alleyways, parking facilities, open space, and public facilities.

**Planned District:** A type of zoning district which may provide flexible development standards that are different than the City's LDC. Specific guidelines shall be established for a planned district which illustrate and address land uses, circulation, utilities, parking, setbacks, densities and intensities, land coverage, landscaping and buffers, open space, building form and design, and similar features of the project.

**Planned Unit Development (PUD):** An area of land, controlled by landowner, to be developed as a primarily residential and a mixture non- residential uses, the plan for which does not

correspond in lot size, bulk or type of dwelling, density, lot coverage, and required open space to the regulations established in any one zoning district created, from time to time, under the provisions of the zoning ordinance enacted by the city commission.

**Planning and Zoning Board (PZB):** The city's Planning and Zoning Board.

**Plat:** A map or delineated representation of the subdivision of lands, being a complete exact representation of the subdivision and other information in compliance with the requirement of all applicable sections of this part and of any local ordinances.

**Playground or Playfield:** A tract of land devoted for passive or active recreational purposes. The area may contain play apparatus and facilities for organized or unorganized sports, and may or may not include community buildings or structures.

**Pool, Swimming:** A body of water, which is deeper than six inches at its deepest point, which is wider than three feet, and which is contained in an artificially created or built receptacle affixed to the earth or resting on the ground, used or intended to be used for swimming or wading. The terms of this article shall apply to all portable pools while containing water. This shall include any body of water located on private property of the depth and width herein provided, such as, but not limited to, ponds, brooks, fish ponds, and ponds for growing aquatic plants.

**Pool, Therapeutic:** A pool a maximum of eight feet in diameter and three feet, six inches in depth, built either above or in the ground, and primarily designed for passive, nonintensive use.

**Porch:** A roofed over space attached to the outside of an exterior wall of a building, which has no enclosure other than the exterior walls of the building.

**Portable Storage Unit:** Any container designed for the outdoor storage of personal property which is typically rented or owners or occupants of property for their temporary use and which is delivered and removed by vehicle.

**Poultry:** Any chickens, turkeys, ducks, geese, or other domestic fowl.

**Pre-application Meeting:** A meeting between a prospective applicant and staff prior to the submittal of a development application. The goal of the meeting is to review the submittal requirements, review procedures and standards applicable to an anticipated application for a development permit reviewed under this code.

**Previously Prepared Materials:** Including but not limited to bone, cellophane, cork, feathers, fur, felt, rubber, glass, horn, hair, leather, plastics, precious or semi-precious metals or stones, shells,

**Primary Building:** A building or structure in which the principal use of the property is conducted.

**Primary Building Façade:** The front of the building or the face of the building that provides primary customer access.

**Primary Frontage:** The frontage designated by the owner/occupant to be the primary use when the business faces two streets of secondary arterial designation.

**Principal Use:** The primary use of the lot as distinguished from secondary or accessory uses. There may be more than one principal use.

**Project Manager:** A member of staff who processes a development application for the City.

**Property Owner:** The person who, with their address, is so shown on the tax roll of the Broward County Tax Collector.

**Public Hearing:** A public hearing advertised to the public that focuses on providing members of the public the opportunity to present information and comments related to certain types of application, with such information and comments available for consideration as subsequent recommendations and decisions are made.

**Public Hearing, Quasi-Judicial:** A public hearing, which comports with due process requirements, where public officers or bodies are required to exercise discretion of a judicial nature as a basis for official action, including weighing evidence and making findings of facts and drawing conclusions of law.

**Public Notice:** Information given to the public alerting them of government or government-related activities that may cause a citizen to take action. Notice may be either mailed, published (newspaper), posted and the like, or any combination thereof.

**Quasi-Judicial in Nature:** The application of general rule or policy to specific individuals, interests, or activities.

**Reasonable Accommodation:** A modification or exception to land use or zoning regulations necessary to afford a person with a disability an equal opportunity to use and enjoy a dwelling.

**Recovery Residence:** A residential dwelling that provides a peer-supported, alcohol- and drug-free living environment and is certified under Section 397.487, Florida Statutes or chartered as an Oxford House. A Recovery Residence does not include any other group living arrangement for unrelated individuals who are not experiencing a disability, nor does the definition include residential facilities exclusively for either prison pre-parolees or sex offenders, even if they are also in recovery. Recovery Residences do not include community residential homes that are defined in Section 419.001(1)(a), Florida Statutes, as amended.

**Recreational Vehicle:** A unit primarily designed as temporary living quarters for recreational, camping, or travel use, which either has its own motive power or is mounted on or drawn by another vehicle. This includes: Travel Trailers, Camping Trailers, Truck Campers, Motor Homes, Private Motor Coaches, Van Conversions, Park Trailers, and Fifth Wheel Trailers.

**Redevelopment:** The conversion, relocation, construction, structural alteration, or enlargement of any structure or structures on an existing development.

**Refuse or Waste:** Unused or discarded matter and material having no substantial market value, which consists of such materials as: rubbish, debris, and matter of any kind, including but not limited to rubble, asphalt, concrete, plaster, tile, rocks, bricks, soil, building materials, crates, cartons, containers, boxes, machinery or parts thereof, scrap metal and any other pieces of metal, ferrous or nonferrous, furniture, trimmings from plants and trees, cans, bottles, and barrels.

**Regional Mall:** A commercial development of not less than 600,000 square feet containing not less than two department stores.

**Regional Mall, Outparcel Development:** Development of a freestanding commercial building containing no more than 15,000 square feet of gross floor area, occupied by a single tenant which is often not constructed concurrently with the principal structure on the parcel.

**Regional Mall, Secondary Building:** A commercial, detached building, greater than 15,000 square feet in size and occupied by either single or multiple tenants, which is constructed within the mall property. The building shall be architecturally compatible with but subordinate to, the principal building on site.

**Religious Institution:** A building or structure together with its accessory buildings and uses, where people regularly assemble to conduct religious worship, ceremonies, rituals, and education. This includes: chapels, churches, mosques, shrines, synagogues, tabernacles, temples, and other similar religious places of assembly.

**Remodeling:** Any renovation or remodeling project that includes a total cost greater than 51% of the appraised value of the property.

**Renovation:** The removal, replacement, or covering of existing interior and exterior finish, trim, doors, windows or other materials with new materials that serve the same purpose and do not change the configuration of space. It includes the replacement of equipment or fixtures.

**Repair:** The reconstruction or renewal of any part of an existing building for the purpose of its maintenance or to correct damage.

**Residentially Zoned Property:** Any property zoned A, R-E, R-1A, R-1B, R-1C, R-1Z, R-MH, R-TH, R-2, and R-MF.

**Resolution:** An expression of a governing body concerning matters of administration, an expression of temporary character, or a provision for the disposition of a particular item of the administrative business of the governing body.

**Resource Recovery:** When energy, a material or a product is taken from waste and used.

**Restaurant, Drive-thru:** Any place or premise used for the sale, dispensing, or serving of food, refreshments, or beverages to patrons who enter upon the premises by automobile and receive service through a window without leaving their automobiles.

**Restaurant:** A business where food and/or beverage is prepared for paying customers to be consumed on or off site.

**Restaurant Bar:** A bar operated in connection with a restaurant by the same owner or management in a business zoned area, which restaurant has all necessary equipment and supplies for and serves full- course meals regularly, and where the principal business is the serving of meals.

**Right-of-Way:** Land in which the state, the department, a county, or a municipality owns the fee or has an easement devoted to or required for use as a transportation facility.

**Room:** A habitable place in the interior of a building used for living, dining, sleeping and cooking purposes.

**Sag Lens, Convex Lens, or Drop Lens:** A clear or prismatic refracting lens that extends below the lowest opaque portion of a light fixture.

**Satellite Earth Station:** Ground- based antenna used for reception of satellite transmitted audio and radio signals.

**School:** Means an organization of students for instructional purposes on an elementary, middle or junior high school, secondary or high school, or other public school level authorized under rules of the State Board of Education as defined in F.S. 1003

**Sculpture/ Statue:** A free-standing, three-dimensional form designed solely for the purpose of art.

**Seasonal Lighting:** Temporary lighting installed and operated in connection with seasons or traditions.

**Seasonal Merchandise Storage:** Temporary storage of merchandise in connection with seasons or traditions.

**Seating or Seating Capacity:** Shall include all table seating, and stools/bar seating when full meal service is available at the counter/bar.

**Self-Support/ Lattice Tower:** A telecommunication tower that is constructed without guy wires and ground anchors.

**Service Station:** Any building, lot, structure, or facility having pumps and storage tanks where fuel, gasoline, and other similar products are dispensed, sold, or offered for sale at retail only.

**Setback:** The minimum distance between the street line, or base building line, and the front line or side line of the building or any projection thereof, excluding projections specifically permitted.

**Shared Parking:** A parking space that is utilized for multiple uses occurring at different times, where persons utilizing the spaces are unlikely to need the spaces at the same time of the day.

**Shielding:** An opaque material that blocks the transmission of light.

**Shopping Center:** A group of three or more retail stores, service establishments or any other business planned to serve the community or neighborhood, not necessarily owned by one party or a single land owner, which are adjacent to and utilizing a common parking area or areas.

**Short Term Parking:** Parking spaces that are restricted to limited duration/ time.

**Shrubs:** Any self-supporting, woody, deciduous or evergreen species whose trunk diameter and mature height does not meet standards for a tree. All plant materials commonly classified as ornamental grasses shall be considered shrubs for this code's purpose.

**Sidewalk:** The portion of a street between the curb or roadway and the adjacent property lines intended for use of pedestrians.

**Sign:** A device or representation for visual communication that is used for the purpose of bringing the subject thereof to the attention of others.

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

**Sign Band:** The horizontal area above a tenant building entrance, architecturally designed to accommodate signage.

**Sign Face:** The part of the sign that is or can be used for communication purposes visible from one direction.

**Sign, Animated:** A sign which utilizes action, motion, lights or color change and features graphics and illustrations.

**Sign, Advertising:** Any sign which directs attention to a business, commodity, service, product, or activity not conducted, sold, offered, or available on the premises where the sign is located, or to which it is affixed.

**Sign, Announcing:** A sign informing the public about a project to be under construction or an intended use of the premises in the immediate future.

**Sign, Announcing Banner:** Banners displayed in conjunction with a forthcoming opening, a new business or multi-family community, or change of ownership of a business or multi-family community.

**Sign, Balloon:** A sign supported by wind or air and attached to the ground, a building, or structure.

**Sign, Banner:** A sign having the characters, letters, or illustrations applied to cloth, plastic, vinyl, paper, or fabric of any kind, with only such material specified herein.

**Sign, Billboard:** A sign designed for the application of letters, numerals, symbols, characters, or illustrations by painting, light projection, bills, or posters, which is to be changed regularly, periodically, or frequently.

**Sign, Blade:** A sign designed to serve pedestrians extended from the face of structure.

**Sign, Box or Cabinet:** Any sign of which the face is enclosed, bordered, or contained within a box-like structure, frame, or other device.

**Sign, Bus Bench Advertising:** A bench of any fashion, size, or construction that contains advertising. The sign may be located on the back or front of a bench placed near a public right-of-way, such as a transit stop.

**Sign, Changeable Copy:** A manual or digital sign composed of individual letters or numbers.

**Sign, Channel Letter:** A sign with a three-dimensional letter that may include a light source.

**Sign, Conforming:** A sign that meets the federal, state and local laws and ordinances.

**Sign, Construction:** A sign which identifies the construction of a building or a building complex.

**Sign, Copy:** The words displayed on a sign.

**Sign, Directional:** A sign indicating the direction or location of a facility or service incidental to a use. Copy may include, but is not limited to "Entrance", "Exit", "Caution", and "No Trespassing".

**Sign, Directory:** A sign that identifies tenants in shopping centers, office, and/or industrial parks both as to identify location and functional use. They shall be designed to accommodate either pedestrians or motorists, or both.

**Sign, Digital:** A large screen or series of screens which display a message, image, or series of images.

**Sign, Double Face:** A sign with back to back faces.

**Sign, Exterior Illuminated:** A sign that is illuminated by a light that is directed towards and shines on the face of a sign.

**Sign, Identification:** A sign which indicates the name of a use, owner, activity, business, or enterprise.

**Sign, Illuminated:** Any sign having characters, letters, figures, designs, or outlines illuminated by lights or luminous tubes designed for that purpose, whether or not the lights or tubes are physically attached to the sign.

**Sign, Internally Illuminated:** A sign that is illuminated by an internal light source.

**Sign, Marquee:** A sign attached and mounted on a permanent canopy.

**Sign, Menu Board:** A variable message sign that allows a retailer to list products and prices.

**Sign, Mobile Billboard:** A sign placed on a vehicle which carries, transports, pulls, or displays a sign or billboard in any form including physical and electronic and is for the primary purpose of advertising.

**Sign, Model:** A sign which designates a particular dwelling unit design which is not for sale, but rather represents other units of similar design that are for sale.

**Sign, Monument:** A self-supported structure not attached or affixed in any way to a building or any structure, the face of which is enclosed, bordered, or contained within a box-like structure, frame, or other device, with no visible means of support.

**Sign, Nonconforming:** A permitted sign existing within the City limits on the effective date of this section, or a sign existing in an area annexed to the City after its effective date of this section.

**Sign, Non-Illuminated:** A sign which is not illuminated by lights designed or provided for that purpose, either external or internal.

**Sign, Painted Wall:** A sign painted directly on a building's exterior surface

**Sign, Parking Identification:** A sign used to denote parking spaces with a specific purpose.

**Sign, Permanent:** A sign, which when installed, is intended for permanent use. Any sign with an intended use in excess of three months from the date of installation.

**Sign, Pole:** A sign erected upon or printed on any material attached to a pole(s), stand, tent or frame which is visible and which is wholly independent of any building or other structure for support.

**Sign, Posted Notice:** A sign intended to inform the public of development applications under review for a subject property.

**Sign, Projected:** A sign projected onto a building, screen or other structure.

**Sign, Projecting:** A sign attached to and supported by a building or other structure, which extends at angle therefrom.

**Sign, Public Safety:** Sign regarding the amount of cash in the register or safe, as well as the hours of operation, open/closed, and emergency notification phone numbers, which are required by the city. Shall not exceed three square feet.

**Sign, Push-Through:** A letter or logo that is cut out of a backing material as thick or thicker than the sign face. The material is then mounted on the inside of the sign face so that it is flush with or extends through and beyond the first front of the sign face.

**Sign, Pylon:** A sign on the wall of an enclosed structure, which is erected above the ground or as an extension above or an addition to a building, primarily for the purpose of providing support or background for the sign copy.

**Sign, Raceway:** An electrical enclosure which can also be used to attach a sign to the structure.

**Sign, Real Estate:** A sign erected by the owner or an agent, indicating property which is for rent, sale, or lease.

**Sign, Return:** The side of a channel letter.

**Sign, Reversed Channel:** A sign with letters mounted away from a wall, with the illumination forming a halo behind the letters.

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

**Sign, Sandwich/ A- Frame:** A temporary sign that is supported by its own frame forming the cross-sectional shape of the letter "A" and is oriented for pedestrians.

**Sign, Sidewalk:** A moveable sign not secured or attached to the ground.

**Sign, Single-Face:** A sign with only one face plane.

**Sign, Snipe:** A sign which is tacked, nailed, posted, pasted, glued, or otherwise attached to trees, poles, stakes, fences, or to other objects, with the message appearing thereon not applicable to the present use of the premises or structures upon which the sign is located.

**Sign, Special Event Banner:** A banner used in accordance with a special event permit issued by the City.

**Sign, Subdivision:** A sign designating subdivision, plat, or other division of real property.

**Sign, Temporary:** Any sign intended for use not permanent in nature.

**Sign, Temporary Banner:** Any banner intended for commercial use including but not limited to grand openings, business announcements, and the like.

**Sign, Trailer:** A portable sign placed in or attached to a trailer.

**Sign, Trim Cap:** The plastic molding that affixes the acrylic channel letter face to the return.

**Sign, Under Canopy:** A sign attached to or hung from a canopy or covered structure projecting from and supported by a building, when that canopy or covered structure extends beyond the building, building line, or property line.

**Sign, Vehicle Removable:** A sign temporarily affixed to a transportation vehicle, inside or outside.

**Sign, Vehicle:** A sign which includes but is not limited tinting or wrapping that is permanently attached or integrated into an automobile or recreational vehicle.

**Sign, Wrap:** A vinyl graphic applied to a surface such as an automobile, recreational vehicle or utility box.

**Sign, Wall:** A sign which is approximately parallel to and supported by any wall or other enclosure.

**Sign, Window:** Any sign mounted to the interior or exterior of a window or any sign greater than three square feet in size which is mounted within three feet of the window surface, in the interior of a building and located or lighted so as to attract attention from the exterior of the business.

**Sign, Yard:** A temporary sign placed in the ground intended to display an opinion or viewpoint, typically affixed to a wire frame.

**Sign Plan, Master:** A sign plan intended for regional malls, hospitals, commercial and other mixed use developments.

**Sign Plan, Uniform:** A sign plan intended for a single shopping center which establishes specific requirements for shopping center signage.

**Shared Parking:** Parking space that is utilized for multiple users occurring at different times, where persons utilizing the spaces are unlikely to need the spaces at the same time of day.

**Sill:** The lowermost member of a frame house. The large dimension wooden element resting directly on the foundation.

**Site:** A piece, parcel, tract bounded by a lot line or a designated portion of a public right-of-way.

**Site Plan:** A plan showing uses and structures proposed for a legal lot; also a development application which is processed through the Planning and Economic Development Department.

**Site Plan Amendment:** An amendment to a previously approved Site Plan by the City which is processed through the Planning and Economic Development Department.

**Site Specific:** An individual piece of real estate which can be clearly defined by street address, legal description or similar means at a single identifiable location.

**Special Exception:** A use of property that is allowed under a zoning ordinance under specified conditions.

**Special Master or Magistrate:** Individuals retained by the city to conduct quasi-judicial hearings that would otherwise come before the City Commission for hearings as contemplated in this code.

**Special Purpose Vehicle:** A vehicle designed primarily for unusual terrain and conditions, and not typically licensed for or used on public roads; including but not limited to swamp buggies, all-terrain vehicles (ATV's), and other tracked vehicles.

**Special Residential Facilities:** Group homes, nursing homes, foster care facilities, life care facilities and adult congregate living facilities are defined by three category types as more fully set forth in the data and analysis section of the city Comprehensive Plan Future Land Use Element, as may be amended from time to time.

**Specified Anatomical Areas:** Human genitals, public region, buttock, and female breast below a point immediately above the top of the areola, and male genitals in a turgid state even if completely and opaquely covered.

**Specified Sexual Activities:** Includes human genitals in a state of sexual stimulation or arousal, acts of human masturbation, sexual intercourse, and fondling or other erotic touching of human genitals, pubic region, buttock, or female breast.

**Specimen Tree:** Any tree which has a diameter breast height of 18 inches or greater, with the exception of the following:

- (1) Non-native fruit trees that are cultivated or grown for the specific purpose of producing edible fruit, including, but not limited to, mangos, avocados or citrus.
- (2) Species of the genus *Ficus*, except *F. aurea* (strangler fig), *F. laevigata* (short leaf fig), *F. rubiginosa* (rusty fig or rusty leaf fig), *F. jacquinifolia*.
- (3) All multi-trunk palms.
- (4) Trees that are in poor condition or form as determined by the city.
- (5) All tree species as defined as category one invasive materials in the most recent document compiled by the Florida Exotic Pest Plant Council (FLEPPC) for the south region.

**Spill Light:** Light which falls outside the property where the luminaire is sited.

**Stacking Lane:** A portion of the vehicular use area on a site that is dedicated to the temporary storage or “standing” of vehicles engaged in a drive-through use of the site or development.

**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 telecommunication towers designed to look like and are similar in scale to surrounding light poles or power poles.

**Street:** The entire width between the boundary lines of every way or place of whatever nature when any part thereof is open to the use of the public for purposes of vehicular traffic.

**Street Line:** The right-of-way line of a street or the base building line, whichever will provide for a greater width of street.

**Structure:** A building of any kind, either temporary or permanent, which has a roof over it, together with the curtilage thereof.

**Subdivision:** The platting of real property into two or more lots, parcels, tracts, tiers, blocks, sites, units, or any other division of land, and includes establishment of new streets and alleys, additions, and re-subdivisions.

**Super Graphic or Mural:** An artistic design or pictorial representation that contains no lettering or business identification or logo or symbols used as sign defined herein.

**Sustainability:** Meeting the needs of the present without compromising the ability of future generations to meet their own needs.

**Swales:** Low-lying areas providing surface drainage, such as that area lying between the paved portion of the public right of way and sidewalk or lot line.

**Tattoo Parlor:** An establishment whose business activity is principal or main use to which the premise is devoted and the primary purpose involved the practice of tattooing.

**Tattooing:** Any method of placing permanent designs, letters, scroll, figures or symbols upon or under the skin with ink or any other substance, by the aid of needles or any other instrument designed to touch or puncture the skin or a process of piercing and ingraining a pigment, dye or ink in the skin, resulting in either the coloration of the skin, or the production of scars or scarring, including cosmetic tattooing, permanent makeup, micro blading, micropigmentation, and the like.

**Telecommunication Tower:** A guyed, monopole, or self-support/ lattice tower, constructed as a free-standing structure, containing one or more antennas used in the provision of personal wireless services.

**Telecommunication Tower, Monopole:** A telecommunication tower consisting of a single pole or spire self-supported by a permanent foundation, constructed without guy wires and ground anchors.

**Telephone, Telecommunication Switching Facilities:** Facilities housing solid state electronic equipment, unmanned, and less than 300 square feet in size, requiring only one parking space.

**Townhouse:** One-family, residential dwelling unit, adjoining similar units, and separated by either a common, eight-inch masonry partition wall, or independent masonry walls abutting each other.

**Traffic Calming:** The reduction in adverse impacts of motor vehicles by reducing speeds, providing more space for pedestrians and cyclists, and improving the local environment.

**Traffic Study:** Studies including but not limited to vehicle miles traveled (vmt), peak travel times (a.m. and p.m.), walk and drive time analyses and the like.

**Transit Oriented Development (TOD):** A project or projects, in areas identified in a local government comprehensive plan, that is or will be served by existing or planned transit service. These designated areas shall be compact, moderate to high density developments, of mixed-use character, interconnected with other land uses, bicycle and pedestrian friendly, and designed to support frequent transit service operating through, collectively or separately, rail, fixed guideway, streetcar, or bus systems on dedicated facilities or available roadway connections as defined in F.S. 163.3164.

**Tree Canopy:** The total covering or enclosure of foliage held above a tree by stems or branches. Usually measured by the diameter of the drip line.

**Tree Pruning:** The regular and frequent shearing of outer tree branches, making cuts of one inch in diameter or less, for the purposes of controlling the size and shape of the tree canopy.

**Tree Removal:** The act of cutting down a tree or palm, which results in total removal of the stump from the property.

**Tree Ring:** Area surrounding the tree trunk used for retaining water mulching, fertilizing. Includes but is not limited to loose mulch, rubber, pavers, or stone.

**Tree:** Any self-supporting, woody perennial plant which has a trunk diameter of no less than two inches, measured at four and one half feet above grade, which normally grows to an overall height not less than 12 feet in southeast Florida.

**UL:** Underwriters Laboratories, INC., a nationally recognized testing laboratory that provides safety certification.

**Use:** The purpose for which land or a structure thereon is designed, arranged, or intended to be occupied or utilized, or for which it is occupied and maintained.

**Use, Accessory:** A use that is subordinate and incidental to the principal use in area, extent, size, or purpose, and serves only the principal use.

**Used:** Arranged, designed, constructed, altered, converted, rented, or leased.

**Utility Trailer:** A trailer designed to transport materials, goods, equipment, or boats.

**Valet Parking:** A service where a customer's vehicle is parked in designated parking area and retrieved by attendant.

**Variance:** A modification of, or deviation from, the regulation of this code which is authorized and approved by the respected board after it finds that the literal application of the provisions of this code would cause unnecessary hardship or practical difficulty in the use or development of a specific lot or building.

**Vested Rights:** A right belonging to a person as a property interest which cannot be removed without the consent of the owner.

**Vines:** Plants which normally require support to reach mature form.

**Vulnerability:** The degree to which a system is susceptible to, or unable to cope with, adverse effects of climate change, including climate vulnerability and extremes. It is the function of character, magnitude, and rate of climate variation to which a system is exposed, its sensitivity, and its adaptive capacity.

**Xeriscape:** Quality landscaping that conserves water and protects the environment.

**Yard:** The area within a lot that lies between the principal structure(s) on the lot and the nearest lot lines. Yards are further classified as front yards, street side yards, interior side yards, and rear yards.

**Yard, Front:** The area extending across the full width of the lot between the front lot line and the nearest line of the main use or main building.

**Yard, Rear:** The area extending across the full width of the lot between the rear lot line and the nearest line to the main building.

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

**Zero Lot Line:** The location of a building on a lot where one or more sides rests directly on a lot line.

**Zoning:** Public regulation of the use of land.

**Zoning Certificate of Use:** A document ensuring that new business occupancies and uses, and changes of existing business occupancies and uses, comply with the city's LDC, code of ordinances, building code and life safety requirements, and other applicable codes and regulations.

**Zoning Change:** An amendment to the existing zoning text or map.

**Zoning in Progress:** A temporary hold on development orders and approvals if there are pending active efforts underway to amend the code in a way that would preclude such permits and approvals should the pending amendment be adopted.

**Zoning Map:** The official zoning map or maps that are part of the city's LDC in code 155 and delineate the boundaries of individual zones and districts.

**Zoning Verification:** A general zoning letter that contains information related to a zoning district.

## 155.204 ACRONYMS

This section is intended to identify acronyms which may appear in the LDC or which may appear in the development or permit review process.

**AADT:** Average Annual Daily Traffic

**ANSI:** American National Standards Institute

**ADA:** American's with Disabilities Act

**ADU:** Accessory Dwelling Unit

**AMI:** Approved Minutes

**AOR:** Architect of Record

**BCAD:** Broward County Aviation Department

**BCT:** Broward County Transit

**CAA:** Clean Air Act

**CAO:** City Attorney's Office

**CBDD:** Central Broward Water Control District

**CCT:** Color Correlated Temperature

**CO:** Certificate of Occupancy

**CPTED:** Crime Prevention Through Environmental Design

**DBH:** Diameter Breast Height

**DEO:** Department of Economic Opportunity

**DEP:** Department of Environmental Protection

**DO:** Development Order

**DRC:** Development Review Committee

<b>DRI:</b> Development of Regional Impact	<b>LED:</b> Light Emitting Diode
<b>E&amp;O:</b> Errors and Omissions	<b>LEED:</b> Leadership in Energy and Environmental Design
<b>EA:</b> Environmental Assessment	<b>LOS:</b> Level of Service
<b>EAR:</b> Evaluation and Appraisal Report	<b>LPA:</b> Local Planning Agency
<b>EOR:</b> Engineer of Record	<b>LUPA:</b> Land Use Plan Amendment
<b>EPA:</b> Environmental Protection Agency	<b>LZA:</b> Letter from Zoning Administrator
<b>FAA:</b> Federal Aviation Administration	<b>MPO:</b> Metropolitan Planning Organization
<b>F.A.C:</b> Florida Administrative Code	<b>MUTCD:</b> Manual on Uniform Traffic Control Devices
<b>FAR:</b> Floor Area Ratio	<b>NAVD:</b> North American Vertical Datum
<b>FBC:</b> Florida Building Code	<b>NGBS:</b> National Green Building Council
<b>F.C.:</b> Foot-candles	<b>NOAA:</b> National Oceanic and Atmospheric Administration
<b>FDOT:</b> Florida Department of Transportation	<b>NTS:</b> Not to Scale
<b>FEMA:</b> Federal Emergency Management Agency	<b>ORD:</b> Ordinance
<b>FFE:</b> Finished Floor Elevation	<b>PER:</b> Permit
<b>FGBC:</b> Florida Green Building Code	<b>RES:</b> Resolution
<b>FHWA:</b> Federal Highway Administration	<b>ROW:</b> Right-of-Way
<b>FLU:</b> Future Land Use	<b>SBDD:</b> South Broward Drainage District
<b>FLUM:</b> Future Land Use Map	<b>SFRPC:</b> South Florida Regional Planning Council
<b>FPL:</b> Florida Power and Light	<b>SR:</b> State Road
<b>F.S:</b> Florida State Statutes	<b>TOC:</b> Transit Oriented Corridor
<b>GIS:</b> Geographic Information Systems	<b>TOD:</b> Transit Oriented Development
<b>HOA:</b> Homeowners Association	<b>USGBC:</b> United States Green Building Council
<b>HUD:</b> U.S Department of Housing and Urban Development	<b>VMT:</b> Vehicle Miles Travelled
<b>IES or IESNA:</b> Illuminating Engineering Society of North America	
<b>I/A:</b> If Applicable	
<b>LCD:</b> Liquid Crystal Display	

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# ARTICLE 3 ADMINISTRATION

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### 155.300 PURPOSE AND APPLICABILITY

- (A) This article establishes the review and approval procedures for all development applications under this Land Development Code (LDC).
- (B) Review and approval by outside agencies including but not limited to Broward County, Florida Department of Transportation (FDOT) and Florida Power and Light (FPL) may be required. The approval of any application under the provisions of this LDC shall not provide exemption from having to gain outside agency approval.
- (C) The Planning and Economic Development Department Director shall determine what application(s) shall apply to the proposal.
- (D) The types of decisions to which this article applies include:
  1. Legislative decisions
  2. Quasi-Judicial decisions
  3. Administrative decisions

### 155.301 DEVELOPMENT APPLICATIONS

Table 155.301: Application Review Processes												
AMI = Approved Minutes DO = Development Order ZL = Zoning Letter ORD = Ordinance							PER = Permit RES = Resolution ZC = Zoning Certificate I/A: If Applicable					
Steps	Pre-Application Meeting	Application Submittal	Determination of Completeness	Development Review Committee (DRC)	Staff Review	Staff-Only Decision Action	Scheduling of Public Hearing	Notice	Planning and Zoning Board (PZB) Review and Decision	City Commission Review and Decision	Board of Adjustment Review and Decision	Outcome
Application Type												
Site Plan	✓	✓	✓	✓	✓		✓	✓	✓	I/A		DO
Site Plan Amendment	✓	✓	✓	✓	✓		✓	✓	✓	I/A		DO
Administrative Review (Board Decision)	✓	✓	✓	✓	✓		✓		✓			AMI
Administrative Review (Department Decision)	✓	✓	✓		✓	✓ <sup>1</sup>						ZL

LAND DEVELOPMENT CODE | ARTICLE 3

Zoning Change (Map)	✓	✓	✓	✓	✓		✓	✓	✓	✓ <sup>2</sup>		ORD 2
Zoning Change (Land Development Code Text, Public)	✓	✓	✓	✓	✓		✓	✓	✓	✓ <sup>2</sup>		ORD 2
Zoning Change (Land Development Code Text, Staff)							✓	✓	✓	✓ <sup>2</sup>		ORD 2
Zoning Change (Land Development Code Text, City Commission)							✓	✓		✓ <sup>2</sup>		ORD 2
Zoning Change (Planned District Text)	✓	✓	✓	✓	✓		✓	✓	✓	✓ <sup>2</sup>		ORD 2
Comprehensive Plan Text or Map Amendment	✓	✓	✓	✓	✓		✓	✓	✓	✓ <sup>2</sup>		ORD 2
Plat	✓	✓	✓	✓	✓	✓						ZL
Delegation Request	✓	✓	✓	✓	✓	✓						ZL
Flexibility Allocation <sup>3</sup>	✓	✓	✓	✓	✓		✓	✓		✓		RES / ORD 2
Developments of Regional Impact (DRI) Amendment	✓	✓	✓	✓	✓		✓	✓	✓	✓		ORD 2
Special Exception	✓	✓	✓		✓		✓	✓	✓	✓ <sup>4</sup>		DO

Interpretation	✓	✓	✓		✓		✓	✓	✓			DO
Zoning Verification Letter		✓	✓		✓	✓						ZL
Variance (Single-Family Homeowner Residential)	✓	✓	✓		✓		✓	✓			✓	DO
Variance (Non Single-Family)	✓	✓	✓		✓				✓			DO
Landscape Permit		✓	✓		✓	✓						PER
Tree Removal or Relocation Permit		✓	✓		✓	✓						PER
Appeal of Departmental LDC Interpretation		✓	✓		✓		✓	✓	✓ <sup>5</sup>		✓ <sup>5</sup>	DO
Appeal of Planning and Zoning or Board of Adjustment Decisions		✓	✓		✓		✓	✓		✓		DO
Zoning Certificate of Use		✓			✓	✓						ZC

<sup>1</sup> A written decision shall be provided to the within the timeframes as set forth in F.S. § 166.033,...

<sup>2</sup> Applications that result in an Ordinance require two (2) readings at City Commission.

<sup>3</sup> Flexibility Allocation must be processed concurrently with a zoning change, plat or other official application as determined by the Director.

<sup>4</sup> Special exceptions as outlined in section 155.301 (M) shall require City Commission review.

<sup>5</sup> Residential appeals of departmental LDC interpretations shall have review and action by the Board of Adjustment. Commercial appeals of departmental LDC interpretation shall have review and action by the Planning and Zoning Board

(A) Site Plan

1. Purpose. To ensure that layout and general design of proposed development comply with all applicable standards in this Code.
2. Applicability:
  - (a) Construction of new structures on vacant land including but not limited to buildings or parking lots.

- (b) Construction of freestanding building(s) or outparcel building(s).
  - (c) Significant modifications to an approved plan which change the function and/or character of an existing site as determined by the Director.
  - (d) Significant redevelopment of an existing site as determined by the Director.
3. Exemption:
- (a) Construction of a single-family home (if in accordance with a valid building permit).
  - (b) Repairs or renovations to residential or non-residential structures, but only when the improvements are made to the interior of the structure or when the facade, roofline, or exterior dimensions of the structure are not changed.
  - (c) Demolition.
  - (d) Land clearing activity done in compliance with a valid land clearing permit issued pursuant to this Code and a city engineering permit.
  - (e) The deposit and contouring of fill on land.
4. Procedure:
- (a) Refer to Table 155.301 for application review process.
  - (b) Site plans that have buildings or structures exceeding 50' in height shall require review and action by the City Commission.
  - (c) Site plans located within a planned district as defined in 155.450 – 155.456 shall require review and action by the City Commission.

#### (B) Site Plan Amendment

1. Purpose. To provide means for the consideration of proposed modifications to previously approved site plans.
2. Applicability:
  - (a) Additions to existing buildings or structures.
  - (b) Modifications which may change the function and/or character of an existing site.
3. Procedure:
  - (a) Refer to Table 155.301 for application review process.
  - (b) Site plan amendments that have additions or modifications to buildings or structures exceeding 50' in height shall require review and action by the City Commission.

#### (C) Administrative Review

1. Purpose. To provide means for the consideration of modifications to a existing development plan, which does not significantly alter function and/or character of an existing site.
2. Applicability. Minor modifications to an existing development plan that follow the provisions and intent of this LDC and which do not depart from the principal concept of the approved plan, as determined by the Planning and Economic Development Department.
3. Procedure:
  - (a) The Planning and Economic Development Department shall determine the process for an administrative review and shall be one of the following:
    - i. Staff review resulting in the issuance of a Zoning Letter.
    - ii. Review and action by the Planning and Zoning Board.
  - (b) Refer to Table 155.301 for specific application review process, once determined by the Department.

#### (D) Zoning Change (Zoning Map Amendment)

1. Purpose. To provide means for the consideration of amendments to the official zoning map whenever public necessity, general welfare, comprehensive plan, or appropriate land use practices justify or require doing so.
2. Applicability. All land that meets minimum lot size requirements within the City of Pembroke Pines is eligible for a zoning change so long as the proposed change is consistent with the underlying land use.
3. Procedure:
  - (a) Refer to Table 155.301 for application review process.
  - (b) This application is processed as an ordinance which requires transmittal to City Commission by the Planning and Zoning Board and two readings at City Commission.
4. Limitations on subsequent applications:
  - (a) If the Planning and Zoning Board or City Commission has acted to deny a petition for the zoning change of property, the Board will not consider any further petition for the same zoning change of any part of the same property for a period of one (1) year from the date of the latest such action by either the Board or the Commission.
  - (b) If the Commission has changed the zoning of property by ordinance, the Board will not consider any petition for zoning change of any part of the same property for a period of six (6) months from the effective date of the resolution.
  - (c) The above time limits for Board consideration may be waived by the Commission by the affirmative vote of four (4) Commissioners, if the Commission deems such action necessary to prevent an injustice or to facilitate development consistent with the character and vision of the city.
5. Prohibitions on conditional zoning change:
  - (a) No zoning change of property may contain conditions, limitations, or requirements that are not applicable to all other property in the zoning district to which the particular property is rezoned.
  - (b) However, voluntary commitments proposed by the applicant may be considered by the Planning and Zoning Board.
6. Planning and Zoning Board decision required. No change or amendment relating to the boundaries of the various zoning districts and the regulations applicable thereto, shall be made by the City Commission unless the proposal or request for that change has been considered by the Planning and Zoning Board, and the Commission has received a recommendation thereon from the Board.

(E) Zoning Change (Land Development Code)

1. Purpose. To provide means consideration of amendments to the text of the LDC whenever public necessity, general welfare, comprehensive plan, or appropriate land use practices justify or require doing so.
2. Applicability:
  - (a) All text within the LDC is eligible to be amended, unless such a change would conflict with county, state, or federal regulations.
  - (b) Proposed amendments to the text of the LDC may come from the public, city staff, City Commission.
3. Procedure:
  - (a) Refer to Table 155.301 for application review process.
  - (b) This application is processed as an ordinance which requires transmittal to City Commission by the Planning and Zoning Board and two readings at City Commission.
4. Limitation on subsequent applications:

- (a) If the Planning and Zoning Board or City Commission has acted to deny a petition for the zoning change of property, the Board will not consider any further petition for the same zoning change of any part of the same property for a period of one (1) year from the date of the latest such action by either the Board or the Commission.
- (b) If the Commission has changed the zoning of property by an ordinance, the Board will not consider any petition for zoning change of any part of the same property for a period of six (6) months from the effective date of the resolution.
- (c) The above time limits for Board consideration may be waived by the Commission by the affirmative vote of four (4) Commissioners, if the Commission deems such action necessary to prevent an injustice or to facilitate the proper development of the City.

(F) Zoning Change (Planned District Text Amendment)

1. Purpose. To provide means consideration of amendments to the text of a planned district whenever public necessity, general welfare, comprehensive plan, or appropriate land use practices justify or require doing so.
3. Applicability. All text within a planned district guidelines are eligible to be amended, unless such a change would conflict with county, state, or federal regulations.
4. Procedure:
  - (a) Refer to Table 155.301 for application review process.
  - (b) This application is processed as an ordinance which requires transmittal to City Commission by the Planning and Zoning Board and two readings at City Commission.
5. Limitation on subsequent applications:
  - (a) If the Planning and Zoning Board or City Commission has acted to deny a petition for the zoning change of property, the Board will not consider any further petition for the same zoning change of any part of the same property for a period of one (1) year from the date of the latest such action by either the Board or the Commission.
  - (b) If the Commission has changed the zoning of property by ordinance, the Board will not consider any petition for zoning change of any part of the same property for a period of six (6) months from the effective date of the resolution.
  - (c) The above time limits for Board consideration may be waived by the Commission by the affirmative vote of four (4) Commissioners, if the Commission deems such action necessary to prevent an injustice or to facilitate the proper development of the City.

(G) Comprehensive Plan Text or Map Amendment (Land Use Plan Amendment)

1. Purpose. To provide means for the consideration of amendments to the future land use element of the City of Pembroke Pines.
2. Applicability.
  - (a) The Comprehensive Plan Map Amendment process applies to the following types of amendments:
    - i. County Land Use Plan Amendment: The re-designation of property on the City of Pembroke Pines Land Use Plan which by virtue of its nature also requires an amendment to the Broward County Land Use Plan through application to the Broward County Planning Council. A County land use plan amendment shall become effective only after the City of Pembroke Pines Land Use Plan is recertified by the Broward County Planning Council.
    - ii. Local Land Use Plan Amendment: The re-designation of property on the City of Pembroke Pines Land Use Plan which does not also require an amendment to the Broward County Land Use Plan. A local land use plan amendment shall become

effective only after the City of Pembroke Pines Land Use Plan is recertified by the Broward County Planning Council.

- (b) Comprehensive Plan Text is eligible to be amended, unless such a change would conflict with county, state, or federal regulations. Proposed amendments to the text of the Comprehensive Plan may come from the public, City staff, City Commission.

3. Procedure:

- (a) Refer to Table 155.301 for application review process.
- (b) This application is processed as an ordinance which requires transmittal to City Commission by the Planning and Zoning Board and two readings at City Commission.

(H) Plat

1. Purpose. To provide a uniform means to approve the division of land, ensuring that such divisions promote the health, safety and welfare of City's inhabitants.
2. Applicability. Platting is applicable to all land within the City of Pembroke Pines that meet the requirements set forth by Broward County.
3. Procedure:
  - (a) Refer to Table 155.301 for application review process.
  - (b) Plats shall require transmittal to the County for additional processing.
  - (c) Plats may require an agreement for municipal dedication.

(I) Delegation Request

1. Purpose. To provide means for the consideration of amendments to a restrictive note or condition on an existing recorded plat.
2. Applicability. All existing plats are eligible to be amended, if the amendment is consistent with the underlying land use.
3. Procedure:
  - (a) Refer to Table 155.301 for application review process.

(J) Flexibility Allocation and Redevelopment Units

1. Purpose. To provide means for the assignment of both flexibility and redevelopment units, which are regulated by Broward County but administered by municipalities.
2. Applicability. Flexibility units shall apply to land which can meet the criteria and rules set forth by the Broward County Administrative Rules documents.
3. Procedure:
  - (a) Refer to Table 155.301 for application review process.
  - (b) This application will be processed in conjunction with another development application either as an ordinance requiring transmittal to City Commission by the Planning and Zoning Board and two readings at City Commission or as a resolution requiring transmittal to City Commission by the Planning and Zoning Board and one reading at City Commission.
  - (c) Flexibility units can only be assigned through a zoning change, plat or other official action as determined by the Planning and Economic Development Department Director.

(K) Development of Regional Impact (DRI) Amendment

1. Purpose. To provide means to update development orders for an existing DRI.

2. Applicability. Existing DRIs may be amended if they are consistent with the underlying land use and do not exceed the intended impacts. Changes to existing DRI's will be reviewed for impacts based on the standards and procedures in the City's Adopted Local Comprehensive Plan and land development regulations.
3. Procedure:
  - (a) Refer to Table 155.301 for application review process.
  - (b) This application is processed as an ordinance which requires transmittal to City Commission by the Planning and Zoning Board and two readings at City Commission.

(L) Interpretation

1. Purpose. To provide means for the applicant to request the approval or authorization of a use which is not specifically or implicitly prohibited in a zoning district.
2. Applicability. Interpretations shall be provided upon an applicant's request.
3. Procedure. Refer to Table 155.301 for application review process.

(M) Special Exception

1. Purpose. To provide means for the individualized review of certain uses which, due to their nature, require special consideration of their location, design, and methods of operation, as well as the impositions of conditions to mitigate concerns before they can be deemed appropriate in a zoning district and compatible with their surroundings.
2. Applicability:
  - (a) Uses requiring special exception as outlined in Table 155.501 shall require review and action by the Planning and Zoning Board.
  - (b) City Commission review and approval of a special exception will be required for non-residential applications that propose a floor area ratio (FAR) exceeding 0.5 to 1.0.
  - (c) City Commission review and approval of a special exception will be required for all development applications proposing uses as outlined in Table 155.501 that are part of the I-H (Industrial Heavy;) zoning district.
3. Standards for Approval:
  - (a) The proposed use is compatible with the existing natural environment and community character of the properties within the immediate neighborhood.
  - (b) The proposed use is deemed desirable for public convenience, and not injurious or otherwise detrimental to the public health, safety, comfort and welfare.
  - (c) The design of the proposed use shall minimize adverse effects, including noise, light, dust or other potential nuisances, of the proposed use on adjacent property through the use of building orientation, setbacks, buffers, landscaping and other design criteria consistent with the city regulations to the greatest extent possible. Entire site shall be void of any pre-existing code violations.
  - (d) There are adequate parking areas and off street truck loading spaces (if applicable) consistent with the parking requirements of the Code, and the layout of the parking and vehicular use areas is convenient and conducive to safe and efficient operation consistent with the city standards to the greatest extent possible.
  - (e) There will be adequate provisions for traffic movement, both vehicular and pedestrian internal to the use and adequate measures exist or shall be taken to provide ingress and egress to the proposed use, for both vehicles and pedestrian, in a manner that minimizes traffic congestion in the public streets, and the use may not result in a significantly greater amount of traffic on local streets than would result from a development permitted by right, performed through use of a traffic study.

- (f) The land area must be sufficient, appropriate and adequate for the use and for any reasonably anticipated expansion thereof.
- 4. Procedure:
  - (a) Refer to Table 155.301 for application review process.
  - (b) A Special Exception shall be processed concurrent with a site plan or site plan amendment.

(N) Zoning Verification Letter

1. Purpose. Provide means for the applicant to obtain general zoning information related to a specific district.
2. Applicability. Zoning Verification Letters can be requested for any property within the City limits. Zoning Verification letters are for informational purposes and do not serve as due diligence for a property.
3. Procedure. Refer to Table 155.301 for application review process.

(O) Variance

1. Purpose. To allow for the provision of relief from certain development standards of this LDC for one or more of the following reasons:
  - (a) There are special circumstances or conditions applying to the land or building for which the variance is sought, which are peculiar to the land or building and do not apply generally to land or buildings in the neighborhood, and the strict application of the provisions of the zoning ordinance would result in an unnecessary hardship and deprive the applicant of the reasonable use of the land or building; or
  - (b) Any alleged hardship is not self-created by any person having an interest in the property nor is the result of a mere disregard for or in ignorance of the provisions of the zoning ordinances of the City; or
  - (c) Granting the variance is not incompatible with public policy, will not adversely affect any adjacent property owners, and the circumstances which cause the special conditions are peculiar to the subject property.
2. Applicability:
  - (a) All properties are eligible to receive a variance from the regulations under this LDC.
  - (b) Use variances are prohibited under this LDC.
3. Procedure:
  - (a) Refer to Table 155.301 for applicable application review process.
  - (b) The authority to review variances requested by single-family homeowners rests with the Board of Adjustment, whereas variances requested for non-single-family are reviewed by the Planning and Zoning Board.

(P) Landscape Permit

1. Purpose. To provide a means to ensure the landscape diversity and design meets the provisions of this LDC.
2. Applicability. A landscape permit shall be required for the following: planting as the result of a new development, significant planting or replanting on an existing site or general landscape maintenance to a property as determined by the landscape division.
3. Procedure:
  - (a) Refer to Table 155.301 for applicable application review process.

- (b) The authority to review, process and grant approval rests with the staff of the Landscape Division of the Planning and Economic Development Department.
- (c) Inspection of the work is required following completion.

(Q) Tree Removal or Relocation Permit

1. Purpose. Ensure that all trees are properly moved or removed and that all properties provide the proper mitigation and maintain the tree canopy throughout the city.
2. Applicability. This process applies whenever trees are removed or relocated on any property as determined by the staff of the Landscape Division of the Planning and Economic Development Department.
3. Procedure:
  - (a) Refer to Table 155.301 for applicable application review process.
  - (b) Permits are processed through the Landscape Division of the Planning and Economic Development Department.
  - (c) Inspection is required 90 days after issuance of the permit.

(R) Appeal of Departmental LDC Interpretation

1. Purpose. To provide means for the appeal of interpretations made by the Planning and Economic Development Department.
2. Applicability. If an applicant is not satisfied with a LDC interpretation rendered by the Planning and Economic Development Department. All LDC interpretations are appealable.
3. Procedure. Refer to Table 155.301 and section 155.310 for applicable application review process and criteria.

(S) Appeal of Board of Adjustment or Planning and Zoning Board Decision

1. Purpose. Establish procedures to appeal decisions made by the Board of Adjustment or Planning and Zoning Board.
2. Applicability. All items heard by the Board of Adjustment or the Planning and Zoning Board that receives a decision is eligible for this appeal process.
3. Procedure. Refer to Table 155.301 and section 155.310 for applicable application review process and criteria.

(T) Zoning Certificate of Use

1. Purpose. The purpose of a certificate of use is to ensure that any development of a change in use complies with the provisions of this LDC.
2. Applicability. Any person who operates or engages in any use within the city limits. A new Certificate of Use is required for any change in use, owner, location, business name and any additional use added to the business.
3. Procedure.
  - (a) Refer to Table 155.301 for applicable application review process.
  - (b) Application shall be submitted to the Planning and Economic Development Department and reviewed by the Zoning Division.

## 155.302 NOTICE REQUIREMENTS

<b>Table 155.302: Summary of Notice Requirements by Application Type</b>				
I/A: If applicable   N/A: Not applicable				
Requirement	Published Notice	Mailed Notice	Posted Notice	Homeowners Association Notice
<b>Application Type</b>				
Site Plan	✓	✓	✓	✓
Site Plan Amendment	✓	✓	✓	✓
Zoning Change (Map)	✓	✓	✓	✓
Zoning Change (Land Development Code or Planned District)	✓	✓	✓	✓
Comprehensive Plan Map Amendment	✓	✓	✓	✓
Comprehensive Plan Text Amendment	✓	N/A	N/A	N/A
Plat	✓	✓	✓	N/A
Flexibility Allocation and Redevelopment Units <sup>1</sup>	I/A	I/A	I/A	I/A
DRI Amendment	✓	✓	✓	N/A
Special Exception	✓	✓	✓	✓
Interpretation	✓	✓	✓	✓
Variance (Single-Family Homeowner Residential)	✓	✓	✓	N/A
Variance (Non Single-Family)	✓	✓	✓	✓
Appeal of Departmental LDC Determination	✓	✓	✓	✓

Appeal of Planning and Zoning or Board of Adjustment Decisions	✓	✓	✓	✓
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<sup>1</sup> Flexibility Allocation and Redevelopment Units shall be noticed in accordance with the concurrent development application.

(A) General

1. Unless noted within the provisions of this LDC noticing will not be required for an application.
2. For information regarding specific noticing procedures and formatting, review the Public Notification Guide, which is maintained in the Planning and Economic Development Department.

(B) Published Notice

1. Proper legal notice shall be provided at least 15 days prior to quasi- judicial proceeding and shall inform any and all affected persons that they can present evidence, bring forth witnesses, cross examine witnesses if the City Clerk’s office is notified within 7 days of scheduled proceeding.
2. Published notice shall include: name of petitioner, the current date, time and location of scheduled proceeding.
3. Comprehensive Plan Map Amendments notice shall be provided at least 7 days prior to meeting with the Local Planning Agency and City Commission for first reading. Notice shall be provided at least 5 days prior to second reading at City Commission.

(C) Mailed Notice

1. Adjacent property owner notice:
  - (a) Proper notice will be mailed to all property owners within 500 feet of the subject site at least 15 days prior to the quasi- judicial proceeding.
  - (b) All mailed notice shall be sent via first class mail.
2. Board of Adjustment
  - (a) Mailed notice for Board of Adjustment shall be completed by the Planning and Economic Development Department.
3. Planning and Zoning Board or the City Commission
  - (a) Mailed notice for Planning and Zoning Board or City Commission applications in relation to this LDC shall be completed by the applicant.
  - (b) The Planning and Economic Development Department shall produce the notice, however, the applicant shall be responsible for producing copies and mailing the notice to property owners within 500 feet of the site.
  - (c) The applicant shall provide the following the Planning and Economic Development Department.

- i. The list of property owners shall be derived from the most recent official tax roll of Broward County. The applicant shall provide an affidavit attesting to the completeness and accuracy of the property owner's list.
  - ii. An affidavit that notice was sent to all property owners included in the property owner's list.
- (d) The applicant is responsible for all costs associated with the mailed notice.

(D) Homeowners Association Notice

1. Adjacent homeowner associations notice:
  - (a) Proper notice shall be mailed to all homeowner's associations registered with the City Clerk's Office within 500 feet of the subject site at least 30 days prior to the quasi-judicial proceeding with the Planning and Zoning Board or the City Commission.
  - (b) The master homeowners' association shall notify all applicable sub-associations
  - (c) An affidavit of mailing shall be provided to the Planning and Economic Development Department within 15 days of quasi-judicial proceeding.
    - i. The Affidavit shall:
      1. Confirm the mailed notice was sent to the proper associations.
      2. Advise the association of pending application.
      3. Confirm the mailed notice was sent at least 30 days prior to meeting.
      4. Provide a copy of the mailed notice.

(E) Posted Notice

1. Board of Adjustment
  - (a) Proper posted notice shall be placed on the subject site visible on each adjacent road frontage at least 15 days prior to the quasi-judicial proceeding.
  - (b) The City shall provide the applicant or petitioner the appropriate notification sign(s) to post upon receipt of application. An affidavit of posting and a dated photograph of the sign(s)' posted shall be submitted to the City by the applicant or petitioner.
2. Planning and Zoning Board and City Commission
  - (a) Proper posted notice shall be placed on the subject site visible on each adjacent road frontage at least 30 days prior to the quasi-judicial proceeding.
3. Notice Removal
  - (a) Posted notice sign shall be removed within 10 calendar days after the expiration of the final appeal period or the date of which the appeal decision is effective.
  - (b) Failure to remove posted notice sign will result in a code violation.
  - (c) If severe storm warning is declared by NOAA, the applicant must remove all posted signs from the property. If applicant fails to remove posted signs, the City may remove posted signs if deemed a danger by the Planning and Economic Development Department Director. Signs shall be reinstalled two (2) days after storm warning is canceled.
  - (d) Proof of posted notice removal shall be provided to the project planner. All costs of the quasi-judicial proceedings, including but not limited to notification and advertising, for posted notice signs and mailings shall be paid by the applicant or petitioner.

## 155.303 REVIEW AND DECISION-MAKING AUTHORITIES

(A) Planning and Economic Development Department Staff

1. Purpose. The staff Planning and Economic Development Department is responsible administering the provisions found in the LDC.
2. Powers and Duties:
  - (a) Review development applications.
  - (b) Conduct pre-application meetings.
  - (c) Maintain the official Zoning Map and associated materials.
  - (d) Serve as professional staff to the Board of Adjustment, Planning and Zoning Board , City Commission and other advisory boards as necessary.
  - (e) Provide expertise and technical assistance to the City's review and decision-making bodies on request.
  - (f) Recommend action on applications that are reviewed by the Planning and Zoning Board and or City Commission.
  - (g) Establish application submittal requirements and review procedures.
  - (h) Render decisions on designated administrative reviews.
  - (i) Render decisions on applications including alcoholic beverage licenses, landscape permits, tree removal permits and zoning certificates of use.

(B) Development Review Committee (DRC)

1. Purpose. The Development Review Committee (DRC) is an advisory group of City staff members and outside agencies (as necessary) who meet to review and comment on development applications and discuss other matters related to the City's review and management of development.
2. Membership. The DRC shall include but is not limited to the following disciplines: Planning, Zoning, Fire Prevention, Engineering, Landscaping, Police, Water Management District(s), Broward County Mass Transit, Florida Power and Light, Utilities, Waste/Trash City contract vendor and any other agencies as determined by the staff project managers.
3. Powers and Duties:
  - (a) The committee shall have the following jurisdiction:
    - i. Review and render recommendations on development applications.
    - ii. Act as the land development regulation commission pursuant to F.S. § 163.3164 et seq., so as to develop and recommend to the City Commission land development code amendments.

(C) Board of Adjustment

1. Purpose. The Board of Adjustment shall be established to hear and decide upon zoning variances, interpretation of the LDC and appeals of departmental LDC interpretations for individual single-family residential properties.
2. Powers and Duties. Make decisions on variances, interpretation of the LDC and appeals of departmental LDC interpretations for individual single-family residential properties.

(D) Planning and Zoning Board

1. Purpose. The Planning and Zoning Board shall serve as the Architecture Review Board, as well as the Local Planning Agency in accordance with F.S. § 163.3174. and render decisions or recommendation for applicable application found under this LDC.
2. Powers and Duties:
  - (a) Serve as an advisory board to the City Commission.

- (b) Make decisions for the following applications:
  - i. Appeal of staff decision
  - ii. Flexibility allocation
  - iii. Interpretation
  - iv. Site plan\* (See 155.301 (A))
  - v. Site plan amendment\* (See 155.301 (B))
  - vi. Special Exception\* (See 155.301 (M))
  - vii. Variance (multi-family, non-residential)
- (c) Make recommendations to the City Commission for the following applications:
  - i. Comprehensive Plan amendment
  - ii. DRI amendment
  - iii. Land use plan amendment
  - iv. Plat
  - v. Site plan\* (See 155.301 (A))
  - vi. Site plan amendment\* (See 155.301 (B))
  - vii. Special exception\* (See 155.301 (M))
  - viii. Zoning change (Land Development Code or Planned District)
  - ix. Zoning change text
- 3. For applications in which the Planning and Zoning board makes a decision, the decision shall be either:
  - (a) Approval as submitted
  - (b) Approval subject to condition(s)
  - (c) Denial.
- 4. For applications in which the Planning and Zoning board makes a recommendation, the recommendation shall be a transmittal to City Commission for:
  - (a) Approval
  - (b) Approval subject to condition(s)
  - (c) Denial.

#### (E) City Commission

1. General. In addition to other authority granted to City Commission by the Florida Constitution and State Law, the City Commission has specified powers and duties under the LDC.
2. Powers and Duties:
  - (a) Make decisions for the following applications:
    - i. Appeals of Planning and Zoning Board or Board of Adjustment decision
    - ii. Comprehensive Plan amendment
    - iii. Delegation request
    - iv. DRI amendment
    - v. Plat
    - vi. Site plan\* (See 155.301 (A))
    - vii. Site plan amendment\* (See 155.301 (B))
    - viii. Special exception\* (See 155.301 (M))
    - ix. Zoning change (Land Development Code or Planned District)
    - x. Zoning change text
  - (b) Make decisions on residential density and non-residential intensity of development.
  - (c) Perform any other functions as designated by motion, resolution or ordinance of the City Commission.
3. The City Commission decision shall be either:

- (a) Approval as submitted
- (b) Approval subject to conditions
- (c) Denial
- (d) Table or Defer to a specified time
- (e) Transmittal of application back to the recommending body or Board.

## 155.304 QUASI-JUDICIAL PROCEEDINGS

- (A) Purpose. To provide an equitable and efficient manner for the City to hear matters which are considered quasi-judicial in nature. These procedures shall be utilized by the Board of Adjustment, Planning and Zoning Board, and the City Commission in regards to hearings on quasi-judicial matters in which their body is the final authority.
- (B) Applicability. For the purposes of this Article, the following matters, regardless of whether the final determination is made by the City Commission or a Board, shall be considered to be quasi-judicial:
1. Site specific zoning changes and site plans
  2. Site specific land use amendments
  3. Variances
  4. Plat approvals
  5. Special exceptions which relate to the use of land and businesses
  6. Interpretations
  7. Appeal of Departmental LDC Interpretation
  8. Appeal of Planning and Zoning or Board of Adjustment Decisions
- (C) Ex-parte (oral) communications
1. Ex-parte (oral) communications are not presumed prejudicial provided any disclosure required in divisions (2), (3) or (4) below is made before or during the public meeting at which a vote is taken on the matter.
  2. The substance of any ex-parte communication with a local public official that relates to quasi-judicial action pending before the official is not presumed prejudicial to the action if the subject of the communication and the identity of the person, group or entity with whom the communication took place is disclosed and made a part of the record.
  3. A local public official may read a written communication from any person. However, a written communication that relates to quasi-judicial action pending before a local public official shall not be presumed prejudicial to the action and such written communication shall be made a part of the record before final action on the matter.
  4. Local public officials may conduct investigations and site visits and may receive expert opinions regarding quasi-judicial action pending before them. Such activity shall not be presumed prejudicial to the action if the existence of the investigation, site visit, or expert opinion is made a part of the record before final action on the matter.
  5. Notwithstanding the provisions of this section above, in quasi-judicial proceedings on local government land use matters, a person may not be precluded from communicating directly with a member of the decision making body by application of ex-parte communications prohibitions. Disclosure of such communications by a member of the decision making body is not required, and such nondisclosure shall not be presumed prejudicial to the decision of the decision making body. All decisions of the decision

making body must be supported by substantial, competent evidence in the record pertinent to the proceedings, irrespective of such communications.

(D) Presentation of Evidence

1. All persons testifying before a Board or the City Commission must be sworn in. The petitioner, members of a Board or the City Commission and any Affected Person who has provided notice that it intends to appear at the proceeding shall be given the opportunity to present evidence, bring forth witnesses, and cross-examine any witnesses.
2. All evidence relied upon by reasonably prudent persons in the conduct of their business shall be admissible, whether or not such evidence would be admissible in a court of law. However, immaterial or unduly repetitious evidence shall be excluded.
3. Hearsay evidence may be used for the purpose of supplementing or explaining other evidence, but it shall not be sufficient by itself to support a finding.
4. Documentary evidence may be presented in the form of a copy or the original, if available. Upon request, parties shall be given an opportunity to compare the copy with the original.
5. A party shall be entitled to conduct cross-examination when testimony is provided or documents are made a part of the record.
6. The office of the City Attorney shall represent the Board or the City Commission. Any questions as to the propriety and admissibility of evidence shall be presented to the City Attorney's office in a timely fashion.

(E) Conduct of Proceedings

1. The proceedings shall be conducted in an informal manner. Each party shall have the right to do the following:
  - (a) To call and examine witnesses
  - (b) To introduce exhibits
  - (c) To cross-examine opposing witnesses on any relevant matter
  - (d) To rebut evidence
2. To the extent possible, the following shall be the order of the proceedings:
  - (a) Call the proceeding to order and announce the beginning of the proceeding. A majority of the Board or City Commission members must be continuously present during the proceeding.
  - (b) The matter to be heard and the rules concerning the admissibility of evidence should be announced.
  - (c) Statements of counsel shall only be considered as argument and not be considered as testimony. Counsel for parties shall not be subject to cross-examination. The Board or the City Commission shall have the authority to refuse to hear any testimony which is irrelevant or repetitive.
  - (d) The Chair of the Board or the City Commission shall have the option of determining the order of presentation of the parties in order to expedite the proceeding. During its presentation the city shall present any staff, board or other reports on the matter as well as any comments. These reports shall include, but not be limited to, a description of the request of the petitioner; a description of background related to the petitioner; an analysis which includes the consistency with the City Comprehensive Plan, if applicable, and how the petition does or does not meet the requirements of the City Code; a listing of the exhibits to be presented; a summary of the issues; and,

- the staff and boards' recommendations. These reports shall include specific findings in support of justifying a recommendation for approval or denial of the petition.
- (e) The petitioner, or a representative, may make a presentation. If the petitioner chooses to make a presentation, it should include a description of the nature of the petition if there is additional information that has not been previously provided to or by the City. In addition, the petitioner shall introduce any exhibits and witnesses.
  - (f) Parties who are in support of the petition shall make their presentation. The parties shall introduce any exhibits and witnesses.
  - (g) Parties who are in opposition of the petition shall make their presentation. The parties shall introduce any exhibits and witnesses.
  - (h) City personnel in attendance shall provide responses to any party to the proceeding.
  - (i) After each witness testifies or documents are made a part of the record, a party shall be permitted to question the witness. The questioning party is not permitted to make any statements, only to ask questions which are directly related to the testimony presented.
  - (j) Final presentation by petitioner in response to any testimony from other parties.
  - (k) Final presentation by the city in response to any testimony from other parties.
  - (l) The Board or City Commission shall deliberate on the petition. No further testimony shall be taken and the members of the Board or the City Commission shall not ask further questions of persons presenting testimony. The Board or the City Commission shall discuss the evidence that was presented at the proceeding and vote on the petition.

#### (F) Consent Process

1. All applications for development approvals that are quasi-judicial matters which are required to be approved by the City Commission may be placed on the quasi-judicial consent agenda. If an application is not removed from the quasi-judicial consent agenda, the City Commission shall vote on the quasi-judicial consent agenda based upon the materials in the agenda report(s). Prior to placement on the quasi-judicial consent agenda, all applicants shall sign a notarized statement that the applicant concurs with the recommendations of the Planning and Zoning Board. If no notarized statement has been obtained from the applicant, then the development approval shall be heard and processed as set forth above.
2. The applicant, any City Commissioner, or any member of the public may request that an application for a development approval be removed from the quasi-judicial consent agenda and, except as otherwise provided in subsection (3) below, such item shall be continued to the quasi-judicial items portion of the meeting, or such other date and time, or both, as mutually agreed upon by the applicant and City Commission.
3. The applicant may request that the City Commission listen to testimony, receive documentary evidence, and take action on the application at the meeting at which the application is removed from the quasi-judicial consent agenda.
4. All applications for development approval which are placed on a quasi-judicial regular (non-consent) agenda or that have been removed from the quasi-judicial consent agenda shall be heard pursuant to and in accordance with the procedures set forth in (Subsection D and E above).

(G) Hearings in front of Special Magistrate; Final Determination. The City hereby establishes Special Magistrates who may conduct quasi-judicial hearings at the direction of the City

Commission. Special Magistrates shall conduct all hearings and render final determinations, all in conformity with the provisions of this LDC.

- (H) Hearings in front of Board or City Commission; Final Determination. In reaching a determination as whether to grant or deny the petition, the Board or City Commission shall:
1. Consider whether the petitioner's request is consistent with the City Comprehensive Plan, if applicable.
  2. State with specificity the reasons for the approval or denial of the petition. The approval or denial may by reference incorporate the staff, board or other reports.
  3. State whether or not the order is to be recorded in the public records of Broward County, and if applicable, that the cost of recording shall be paid by the petitioner.
- (I) Preparation of Order. The City Attorney's office shall prepare the final order of the Board or City Commission based upon the determination. The Special Magistrate shall prepare the final order for matters before them. The final order shall include, but not be limited to, the finding of facts, any conditions, requirements or limitations on the approval of the petition, and whether or not the order shall be recorded in the Broward County public records. If an ordinance is required to be adopted upon approval of an action by the City Commission, a final order will not be prepared unless the petition is denied.
- (J) Continuances and Deferrals. If, in the opinion of the Board or City Commission, any testimony or documentary evidence or information presented at the proceeding justifies providing additional time to allow additional research or review in order to properly determine the issue presented, the Board or City Commission shall continue the case to a designated time to allow for the additional research or review. After the decision is made to continue, the date to which the proceeding shall be continued shall be announced at the proceeding.
- (K) Transcript of Proceedings. The official transcript of a proceeding shall be preserved by tape recording or other device by the City Clerk's office. Nothing precludes any party from providing a court reporter for the proceeding.
- (L) Maintenance of Evidence. The Office of the City Clerk shall retain all of the evidence and documents presented at the proceeding, except for large scale exhibits which shall be retained by the City Manager or a designee, all which become part of the public record of the proceeding.
- (M) Appeals. The final determination of the City Commission is subject to judicial review in a court of competent jurisdiction.

## 155.305 ZONING IN PROGRESS

- (A) Purpose: The purpose of this subsection is to provide an administrative and legislative procedure whereby the City can place a temporary hold on development permits and approvals if there are pending active efforts underway to amend this Code in a way that would preclude such permits and approvals should the pending amendment be adopted.
- (B) Applicability:

1. Zoning in progress shall be in place from the time that the City Manager or designee determines that:
  - (a) The City is actively developing and processing a proposal to amend this Code in a way that would preclude permits and approvals of certain uses and development, and
  - (b) Authorization or approval of such uses and development before the proposed amendment is decided would be detrimental to the public interest. The City shall not grant any development permit or approval, or accept any application for a development permit or approval, that authorizes or proposes development that would not be allowed under the proposed amendment to this LDC.

(C) Procedure

1. The City Manager or designee shall issue an administrative order that specifies the area(s) affected by the proposed amendment and that prohibits the issuance of any development permits or granting of development approvals that would be precluded by the proposed amendment;
2. On issuing the administrative order, the City Manager or designee shall schedule consideration of a resolution confirming the administrative order for the next available City Commission meeting.

(D) City Commission Review and Action

1. The City Commission shall review the City Manager's or designee's zoning in progress determination and decide whether to confirm or reject it.
2. If the City Commission decides to confirm the City Manager's or designee's zoning in progress determination, they shall adopt a resolution affirming the administrative order.
3. If a resolution is adopted by the City Commission, the zoning in progress shall remain active for up to 6 months or until the adoption of the amendment to the LDC. The time period may be extended if determined necessary by the City Commission.

## 155.306 APPLICATION SUBMITTAL PROCEDURES

(A) Pre-application Meeting

1. The pre-application meeting will determine the submittal requirements, review procedures and standards applicable to an anticipated application for a development permit reviewed under this Code.
2. A pre-application meeting is required for all applications prior to submission unless determined otherwise by the Planning and Economic Development Department Director.
3. At a minimum, the applicant must bring a conceptual plan to the pre-application meeting showing the location, general layout and main elements of the proposed development.
4. At the pre-application meeting the applicant must provide the Planning and Economic Development Department a letter stating the scope of work for the project. The Director shall determine what application(s) and process shall apply to the project.

5. When two or more applications for a development are submitted concurrently, the requirement for a pre-application conference may be met with single conference.
6. The pre-application conference is intended as a means of facilitating the review process. Discussions held in accordance with this section are not binding on the City. Processing times for review of applications for a development permit do not begin until a formal, complete application is submitted and determined to be complete.

(B) Authority to submit applications

1. Unless expressly stated otherwise in this Code, applications for a development permit reviewed under this Code shall be submitted by:
  - (a) The owner, contract purchaser, or any other person having a recognized property interest in the land on which development is proposed; or
  - (b) A person authorized to submit the application on behalf of the owner, contract purchaser, or other person having a recognized property interest in the land, as evidenced by a letter or document signed by such owner, contract purchaser, or other person.
  - (c) If there are multiple owners, contract purchasers, or other persons authorized to submit the application, all such persons shall sign the application or a letter or document consenting to the application.

(C) Application Contents

1. The Planning and Economic Development Department Director establishes the requirements for the content and form of applications for each type of application reviewed under this Code.
2. The Planning and Economic Development Department Director may amend and update these requirements as determined necessary to ensure effective and efficient City review under this Code.
3. The applicant bears the burden of ensuring that an application contains sufficient information to demonstrate compliance of the proposed application for a development permit with applicable standards.

(D) Application Submittal

1. Applications reviewed under this Code shall be submitted to the Planning and Economic Development Department, along with other applicable documents. For site plan submittals, a site plan checklist will be provided and maintained by the Planning and Economic Development Department
2. In addition to the technical documents required, other plans and studies may be required at the request of staff based on the scope of work which includes but is not limited to the following:
  - (a) Affordable Housing
  - (b) Circulation, Parking, Stacking or Traffic
  - (c) Civil or Engineering
  - (d) Feasibility or Market Analysis
  - (e) Landscaping
  - (f) Lighting or Photometric
  - (g) Sustainability

3. All applications must be submitted through the Planning and Economic Development Department.

#### (E) Fees

1. The City Commission establishes application fees and may amend and update those fees as determined necessary.
2. The fees schedules for any development plan are incorporated herein by reference. A fee schedule is available in the City Clerk's and Planning and Economic Development Department offices upon request.
3. A surcharge applies to all development and applications that require Planning and Zoning Board consideration. The surcharge can be found in the fee schedule, which is available in the City Clerk's and Planning and Economic Development Department offices upon request.
4. On October 1 of each year, the fees referred to above may be increased, in accordance with the Consumer Price Index for Urban Consumers in the United States, published by the Bureau of Labor Statistics for the 12 months ending April of each year, unless otherwise instructed by the City Commission.
5. Advertising fees. The applicant bears the cost of the advertisement for any displayed advertisements or mailings required by state statutes or city ordinances, except as may otherwise be expressly provided herein.
6. Applicants are responsible for all applicable recording costs where applicable.

#### (F) Determination of Application Completeness

1. On receiving a development application reviewed under this Code, the Planning and Economic Development Department Director will (i) acknowledge receipt of the application to the contact information provided by the applicant; and, (ii) review the application package to determine whether the application is complete or incomplete within the timeframes as set forth in F.S. §166.033, as may be amended from time to time, unless formally waived by the Applicant. A complete application is one that:
  - (a) Contains all information and materials established by the Planning and Economic Development Department Director as required for submittal of the application;
  - (b) Is in the form established by the Planning and Economic Development Department Director as required for submittal of the application;
  - (c) Includes information in sufficient detail to evaluate the application to determine whether it complies with the appropriate review standards of this Code; and
  - (d) Is accompanied by the fee established for the application, which is intended to offset the administrative costs thereof.
2. Review for application completeness is solely to determine whether preliminary information required for submission with the application is sufficient to allow further processing. It does not constitute a decision as to whether an application complies with the LDC.
3. Incomplete applications:
  - (a) If an application is determined to be incomplete, the Planning and Economic Development Department Director will notify the applicant of the deficiencies within the timeframes as set forth 166.033, FL. Stat., as may be amended from time to time, unless formally waived by the applicant.
  - (b) The applicant may correct the deficiencies and resubmit the application for completeness determination.

- (c) If the applicant fails to resubmit an application within the timeframes as set forth 166.033, FL. Stat., as same may be amended from time to time, unless waived by the applicant after being first notified of deficiencies, the application shall be considered withdrawn.
  - (d) The Planning and Economic Development Department Director shall not process an application for further review until it is determined to be complete.
4. Application revisions:
- (a) An applicant may revise the application after receiving initial staff review comments on the application. Revisions must be limited to changes that directly respond to specific requests or suggestions made by the staff or the review or decision-making body, if they constitute only minor additions, deletions, or corrections and do not include significant substantive changes to the plan for development proposed in the application.
  - (b) Any other revisions to the application may be submitted at any time during the review procedure, but the revised application will be submitted and reviewed as if a new application and may be subject to additional application fees to defray the additional costs of processing the revised application.
  - (c) All revised applications must be submitted to the Planning and Economic Development Department Director.
5. Complete applications:
- (a) If an application is determined to be complete, the Planning and Economic Development Department Director will accept the application for review in accordance with the procedures and standards of this Code.
  - (b) The time frame and cycle for review of the application is based on the date the application is determined to be complete, and within the timeframes set forth in F.S. §166.033, as may be amended from time to time.

## 155.307 STAFF REVIEW AND ACTION

### (A) Application Review

1. When an application is determined to be complete, the application along with the associated documents shall be distributed to the applicable reviewing bodies.
2. If deficiencies are found, the applicant shall be notified and provided an opportunity to address them.
3. The timeframe for review will be determined based on the application type.
4. Additional Documents may be requested per 155.306(D).

### (B) Applications Subject to Board or City Commission Decision

1. Staff Report. If an application is to be reviewed and decided upon by a Board or City Commission the Planning and Economic Development Department Staff shall prepare a staff report which summarizes the application.

### (C) Applications Subject to Staff Decision. If an application is subject to staff decision, the application shall be reviewed and decided upon following the procedures and standards established within this LDC.

### (D) Scheduling of Public Hearing. The Planning and Economic Development Department Director shall determine when an Item is scheduled for public hearing. The Director shall do so

providing enough time for the preparation of the staff report, distribution of applicable documents to Board or City Commission members and for public notification in accordance with the standard established within the LDC.

## 155.308 POST DECISION ACTIONS AND LIMITATIONS

(A) Notice of Decision. The Planning and Economic Development Department shall provide the applicant with the applicable document as they become available. Refer to Table 155.301 for the document provided.

(B) Effect of Approval

1. Approval of any development application in accordance with this Code authorizes only the particular use, plan, or other specific activity approved, and not any other development requiring separate application.
2. If one development permit or approval is a prerequisite to another permit or approval (e.g., variance approval prior to a site plan approval), development may not take place until all required permits and approvals are obtained. Approval of one application does not necessarily guarantee approval of any subsequent application.

(C) Expiration of Approval

1. Unless otherwise noted an approved application excluding those that result in an ordinance or resolution shall expire following 1 year of inactivity as determined by the Planning and Economic Development Department Director.
2. Approval Extension.
  - (a) The Planning and Zoning Board may grant an extension of an approved application where the holder thereof can establish to the satisfaction of the Board that the delay is absolutely beyond their control.
  - (b) The applicant must reapply for approval prior to the expiration of the approved application.
  - (c) Resubmitted applications shall be subject to the same process and fee requirements of the previously approved applications.
  - (d) All resubmittals for extensions must comply with all requirements and provisions of this LDC at the time of resubmittal.
  - (e) An extension may be provided in accordance with F.S 252.363 (Emergency Management Tolling and extension of permits and other authorizations) as amended from time to time.

(D) Amendments to an approved application. Any modifications of approved plans or conditions of approval shall require a new application that is submitted and reviewed in accordance with the full procedure and fee requirements applicable to the particular type of modification.

(E) Effect of Denial

1. If an application requiring a public hearing is denied, the applicant may appeal the decision following the applicable process set forth in Section 155.311.

2. Denied applications that require a public hearing require a new application including noticing (if required) submittal of plans, fees and any other documents as determined by the project manager in order to heard again.

(F) Building Permits

1. Approval of an application under the provision of this code does not provide exemption from any applicable building permits and related fees.
2. Development applications must be approved prior to issuance of a building permit.  
No building permit shall be issued for the erection, alteration, or use of any building, structure, or part thereof, or for the use of any land or water, which is not in conformity with all the provisions of this LDC.

- (G) Outside Agencies. Approval of an application under the provision of this code does not provide exemption from any applicable applications, review or fees that may be required from outside agencies including but not limited to Broward County or Florida Department of Transportation (FDOT).

## 155.309 APPLICATION WITHDRAWAL PROCESS

After an application has been accepted for review, the applicant may withdraw the application at any time by submitting a written letter of withdrawal to the Director of Planning and Economic Development.

## 155.310 APPLICATION REFUNDS

No refunds will be provided for incomplete or withdrawn applications unless specifically granted by the City Manager or designee.

## 155.311 APPLICATION APPEAL PROCESS

- (A) Right to Appeal. Any party aggrieved by a decision, interpretation, or order made by the Planning and Economic Development Department Director or other administrative official, Board of Adjustment, Planning and Zoning Board, or the City Commission in administering or enforcing the provisions of the Land Development Code may appeal the decision, interpretation, or order.

(B) Appeal of Planning and Economic Development Department Staff interpretation

1. Code interpretations made by the Planning and Economic Development Department staff are subject to appeal to the Planning and Zoning Board or Board of Adjustment as outlined in this article by the petitioner or an affected person based on lack of competent and substantial evidence to support staff's decision.
2. In addition to the application and associate fees the person filing the appeal shall submit a written statement to the Director of the Planning and Economic Development Department

stating why they believe that the staff's decision was not based on competent and substantial evidence.

3. The applicant filing the appeal shall bear the cost of all advertising and notice requirements associated with the appeal.
4. The appeal shall be presented to the Planning and Zoning Board as soon as practicable, subject to the notice requirements and procedures set forth herein, for a final determination as to whether or not there was competent and substantial evidence to support staff's interpretation.
5. The appeal shall be presented to the City Commission as soon as practicable, subject to the notice requirements and procedures set forth herein, for a final determination as to whether or not there was competent and substantial evidence to support the Board's ruling. The City Commission may remand the quasi-judicial proceeding back to the Board for further consideration by the Board in a quasi-judicial hearing, subject to the notice requirements and procedures for the Board set forth herein.

(C) Appeal of Board Decisions

1. Decisions of the Board of Adjustment or the Planning and Zoning Board, collectively known as "Board", in quasi-judicial proceedings are subject to appeal to the City Commission by either the city, petitioner, or an affected person as defined in this code based on lack of competent and substantial evidence to support the Board's ruling.
2. Any person seeking to appeal must file a written request to appeal with the Director of Planning and Economic Development, or designee, no later than noon on the seventh calendar day following the meeting at which the Board has rendered a final decision.
3. The applicant filing the appeal shall submit a written statement to the Director of Planning and Economic Development no later than ten days before City Commission meeting at which the appeal shall be heard. This written statement shall state with specificity why the appellant believes that the Board's decision was not based on competent and substantial evidence. This written statement shall be included in the agenda for the City Commission meeting at which time the appeal shall be heard.
4. The person filing the appeal shall bear the cost of all advertising and notice requirements associated with the appeal.
5. The appeal shall be presented to the City Commission as soon as practicable, subject to the notice requirements and procedures set forth herein, for a final determination as to whether or not there was competent and substantial evidence to support the Board's ruling.
6. The fee for appeals can be found within the Planning and Economic Development Department's fee schedule. A fee schedule is available in the City Clerk's and Planning and Economic Development Department offices upon request.

(D) Appeal of City Commission Decisions. The final determination of the City Commission with regards to the applications specified in this LDC is subject to judicial review in a court of competent jurisdiction.

(E) Hearings. Hearings before the Planning and Zoning Board and City Commission are not trials de novo but rather appellate in nature. Appeals shall be limited to the written record and new additional evidence shall not be presented.

## 155.312 APPLICATION DEFERRAL PROCESS

- (A) If an application is subject to a public hearing and required notice of the hearing has already been provided, the applicant may request that the hearing be deferred by submitting a written request for deferral to the Director of the Planning and Economic Development Department before the date on which the public hearing is scheduled.
- (B) The Director of the Planning and Economic Development Department shall submit the request to the body scheduled to hold the hearing, which may grant the request for good cause, or if finding no good cause for deferral, may proceed to hold the hearing, then consider and act on the application.
- (C) If the body grants the request for deferral, it shall be either set to a time certain or a time uncertain.
- (D) If the deferral is granted, the applicant shall bear all cost associated with deferring the application, which may include noticing.

## 155.313 ENFORCEMENT

### (A) General

1. Purpose. This Section establishes procedures and standard to ensure compliance with the provision of this LDC and obtain corrections for violation of the LDC.
2. Compliance Required. Compliance with all the procedures, standard, and other provisions of this LDC are required by all persons owning, developing, managing, using or occupying land or structures in the City.
3. Development or Approval only Authorizes Development Approved. A development order, development approval or permit issued under the provisions of this LDC shall only authorize the specific use, arrangement, location, design, density, or intensity, and development set forth in such approval.

### (B) Violations

1. Failure to Comply with the LDC or Term or Condition of Approval. Any failure to comply with the standards, requirements, prohibition, or limitations imposed by this LDC, or the terms or conditions of any development order or authorization granted in accordance with this LDC shall constitute as a violation of the LDC.
2. Specific Violations. It shall be a violation of this LDC to undertake any activity contrary to the provisions of this LDC, including but not limited to the following:
  - (a) Developing land or constructing any structure without first obtaining all required Building Permits, appropriate approvals and complying with all terms and conditions.
  - (b) Occupying land or any structure without first obtaining all appropriate approvals and complying with all terms and conditions.

- (c) Excavating, grading, cutting, clearing, or undertaking any land disturbing activity without first obtaining all appropriate development permits and approvals, and complying with their terms and conditions.
  - (d) Removing existing trees from a site or parcel of land without first obtaining appropriate permits and approvals and complying with their terms and conditions.
  - (e) Installing, creating, erecting, altering, or maintaining any sign without first obtaining the appropriate building permits and approvals, and complying with their terms and conditions.
  - (f) Failing to remove any sign installed, created, erected, or maintained in violation of this Code, or for which the relevant permit or approval has expired.
  - (g) Creating, expanding, replacing, or changing any nonconformity except in compliance with this Code.
  - (h) Reducing or diminishing the requirements for development, design, or dimensional standards below the minimum required by this Code.
  - (i) Increasing the intensity or density of development, except in accordance with the standards of this Code.
  - (j) Utilizing or operating a business without obtaining and maintaining a valid Business Tax Receipt.
  - (k) Through any act or omission, fail to comply with any other provisions, procedures, or standards as required by this Code.
- (C) Enforcement Responsibilities. The Planning and Economic Development Department, Code Compliance Division and other applicable departments shall be responsible for enforcing the provisions of this LDC. The City Manager or their designee may delegate authority to another City Official to aid in the enforcement of the provision of this LDC.
- (D) Code Enforcement Violation and Hearing Procedures. Code Enforcement violation and hearing procedures shall be consistent with procedures set forth within Chapter 32 of the City Code of Ordinances and Chapter 162 of the Florida Statute, as may be amended from time to time.
- (E) Notice to Abate
1. When the City Manager or their designee finds that any premises or property within the City may be maintained contrary to one or more of the provisions of this section, shall notify the owner, lessee, occupant, mortgagee, or beneficiary by written notice, served personally or posted on the premises, stating the conditions which constitute the public nuisance and shall order the abatement of the nuisance by a time period consistent with the nature of the violation. Failure to bring about compliance within the time stated shall result in a summons before the Code Enforcement Board, the Special Magistrate, or the County Court. The summons shall be served according to state statutes.
  2. Abatement by the City. If the person fails to abate the nuisance within the time set forth, the City may proceed to abate the nuisance.
  3. Record of expenses. The City shall keep an itemized account of the expenses involved in abating the nuisance. The City shall post conspicuously on the property and shall also mail to the owner of the property a statement showing the expense of the abatement, together with a notice of the time and place when the statement will be submitted to the

Commission for approval and confirmation, and at which time the Commission shall consider objections or protests to the cost of the work.

## 155.314 LIVE LOCAL ADMINISTRATIVE REVIEW POLICY

- (A) **Short Title.** This section shall be known and may be cited as the "Live Local Administrative Review Policy."
- (B) **Purpose and Intent.** Florida Statutes sections 166.04151(7)–(8) provide standards for land use, density, intensity, height, and parking for certain development proposals and require a local government to decide whether to permit these development proposals through an administrative review process. Florida Statutes sections 166.04151(7)–(8) also require a local government to have a policy containing procedures and expectations for administrative review of these development proposals.
- (C) **Rule.** A development proposal must meet all standards in this Live Local Administrative Review Policy, all applicable standards in the comprehensive plan, and all applicable land development regulations for the City of Pembroke Pines to approve the development proposal pursuant to this policy. Approval pursuant to this Live Local Administrative Review Policy is not final permission to construct a development proposal. Instead, approval pursuant to this policy is the equivalent of conceptual plan approval. The land development regulations require other permits and meeting the standards of this Live Local Administrative Review Policy does not exempt a development proposal from any other applicable review process. However, the City of Pembroke Pines does not require a zoning or land use change, special exception, conditional use approval, variance, or comprehensive plan amendment to allow the land use, density, intensity, height, or parking standards within this policy.
- (D) **Standards.** A development proposal must meet these standards in addition to all applicable standards in the comprehensive plan and land development regulations.
1. **Affordability.**
    - (a) At least 40 percent of the residential units in the development must be rental units that, throughout the entire affordability period, have a monthly cost (including rent, utilities, and all other mandatory charges) that does not exceed 30 percent of the adjusted gross annual income of a household earning 120 percent of the median annual adjusted gross income in Broward County.
    - (b) The affordable units must be comparable to all other units in quality, in features, in size, in number of bedrooms, and in access to common amenities.
    - (c) Eligible households renting and occupying the affordable units must not have an annual adjusted gross income that exceeds the greater of (1) 120 percent of the median annual adjusted gross income for households within the state, or (2) 120 percent of the median annual adjusted gross income in Florida or within *Miami-Fort Lauderdale-Pompano Beach, FL Metropolitan Statistical Area*.
    - (d) The owner of the land proposed for development must enter into a land use restriction agreement requiring the use of the land and all real property on the land to meet this affordability standard throughout the affordability period. The land use restriction agreement must:
      - i. Constitute a deed restriction that is recorded in the official records of Broward County that grants the City of Pembroke Pines rights of

enforcement, and that is binding on the owner or owners of the land and any real property on the land and on their successors and assigns;

- ii. Require the owner or owners of the real property to continuously provide to the City of Pembroke Pines all records necessary to demonstrate ongoing compliance with the affordability standard throughout the affordability period; and
- iii. Require the owner or owners of the real property to pay any fee the City of Pembroke Pines may charge to evaluate and enforce compliance with the affordability standard.

2. **Land Use.**

- (a) The development must be multifamily residential or mixed-use residential. If the development is mixed-use residential, at least 65 percent of the total square footage must be used for residential purposes. If the land proposed for development is within a transit-oriented development or area, the development must be mixed-use residential.
- (b) The land proposed for development must have one of these zoning classifications: Commercial, Industrial, or Mixed-Use.

3. **Density.** Density must be equal to or less than the highest density the land development regulations allow in the jurisdiction excluding density the land development regulations allow by any bonus, variance, other special exception, or this Live Local Administrative Policy.

4. **Intensity.** Intensity must be equal to or less than a floor area ratio of 1.5 times the highest floor area ratio the land development regulations allow in the jurisdiction excluding floor area ratio the land development regulations allow by any bonus, variance, other special exception, or this Live Local Administrative Policy.

5. **Height.** Height must be equal to or less than the greater of:

- (a) For a development that is not adjacent to, on two or more sides, parcels zoned for single-family residential use within a single-family residential development with at least 25 contiguous single-family homes, height must be equal to or less than the greater of
  - i. the highest currently allowed height for a commercial or residential building in the jurisdiction within 1 mile of the development, excluding height the land development regulations allow by any bonus, variance, other special exception, or this live local administrative policy, or
  - ii. 3 stories.
- (b) For a development that is adjacent to, on two or more sides, parcels zoned for single-family residential use within a single-family residential development with at least 25 contiguous single-family homes, height must be equal to or less than the greater of
  - i. 1.5 times the height of the tallest building on any property adjacent to the development;
  - ii. the highest currently allowed height for a commercial or residential building in the jurisdiction within 1 mile of the development, excluding height the land development regulations allow by any bonus, variance, other special exception, or this live local administrative policy; or
  - iii. 3 stories

6. **Parking.**

- (a) This parking standard provides the minimum number of generally available motor vehicle parking spaces a development must include. The land development regulations may also include other parking standards such as limits on maximum parking, requirements for bicycle and disabled-accessible parking, and standards for loading or service vehicles.
  - (b) Off-street parking shall be provided consistent with Land Development Code Section 155.605 . In alignment with state legislation related to affordable housing and transit-oriented development, the City acknowledges that qualifying developments are entitled to reduced parking requirements when requested by the developer and the proposed development meets one of the following standards:
    - i. If the development is within one-quarter ( $\frac{1}{4}$ ) mile of an identified transit stop that is safely accessible from the site
    - ii. If the development is within one-half ( $\frac{1}{2}$ ) mile of a major transportation hub, connected by safe, pedestrian-friendly routes (e.g., sidewalks, crosswalks, or multimodal paths), and is within 600 feet of available parking,
    - iii. If the development is a mixed-use residential project located within a designated transit-oriented development area, as recognized by the City.
7. **Regulations for Multifamily Development in Areas Zoned for Such Use.** This Live Local Administrative Policy does not provide alternate standards for any aspect of development other than land use, density, intensity, height, and parking. A development must meet all other applicable standards in the comprehensive plan and land development regulations including standards for multifamily residential or mixed-use residential development in areas zoned for such use.
8. **Enforcement.** The owner or owners of real estate that is the subject of a Live Local Administrative Review Policy approval and their successors, assigns, and agents must ensure the development meets the affordability standard throughout the affordability period and must comply with the applicable land use restriction agreement. If a development does not meet the affordability standard or any term of the applicable land use restriction agreement at any point during the development's affordability period, the City of Pembroke Pines will allow the owner or owners 30 days to cure the violation. If the owner or owners do not cure the violation within the time allowed, the City of Pembroke Pines will treat the development as a nonconforming use. Treatment as a nonconforming use may include, but is not limited to:
- (a) Enforcing compliance through any provisions of the land use restriction agreement;
  - (b) Enforcing compliance through the Local Government Code Enforcement Boards Act including by imposing fines on the violator, attaching a lien to the violator's real property, and foreclosing on the code enforcement lien; or
  - (c) Enforcing compliance through any other state or locally adopted enforcement procedure including a civil action for injunctive relief.
9. **Process and Application.**
- (a) To request the City of Pembroke Pines to evaluate whether a development proposal meets the standards of this Live Local Administrative Review Policy, an applicant must:

- i. Provide public notice of the development meeting the standards of the applicable provisions within the land development regulations that describe the public notice activities the local government determines are appropriate such as mailed notice, published notice, posted notice, or a public workshop;
  - ii. Submit an application in the form the city manager prescribes; and
  - iii. Pay the fee for review the City of Pembroke Pines fee schedule requires. The fee for administrative reviews can be found within the Planning and Economic Development Department's fee schedule. A fee schedule is available in the City Clerk's and Planning and Economic Development Department offices upon request.
- (b) The City of Pembroke Pines must not approve a development proposal pursuant to this Live Local Administrative Review Policy unless the owner of the land proposed for development has entered into a land use restriction agreement that meets the standards of this policy.

#### 10. VII. Definitions.

- (a) For purposes of construction and interpretation, the definitions set forth herein shall apply exclusively to this section of the Land Development Code and shall not be construed to extend, modify, or limit the meaning of terms in any other section, chapter, or provision, except where expressly stated to the contrary. In the event of any conflict between the definitions contained herein and those set forth elsewhere in the Code, the definitions herein shall control for purposes of this section.

**“Accessible”** in the context of whether a transit stop or a major transportation hub is accessible from development means (1) that a person walking between the transit stop or transportation hub and the development may travel the entire distance on even, paved sidewalks or within marked crosswalks, (2) that the entire route meets applicable standards of the Americans with Disabilities Act, and (3) that the route does not cross any road having a design speed greater than 25 miles per hour or having more than two motor vehicle lanes. **“Affordability period”** means the period of time that begins on the day the City of Pembroke Pines issues the first certificate of occupancy for a development and ends 30 years following the day City of Pembroke Pines issues the last certificate of occupancy for the development. **“Affordable”** means that costs (rent, utilities, and all mandatory charges) do not exceed 30 percent of the adjusted gross annual income of a household earning 120 percent of the median annual adjusted gross income in Florida or within *Miami-Fort Lauderdale-Pompano Beach, FL Metropolitan Statistical Area*.

**“Available”** in the context of whether parking is available means an applicant has provided reasonable assurances that residents of a development will have exclusive access to the parking throughout the affordability period without charge or for a charge that the applicant has included in its evaluation of whether the development meets the affordability standard. 20 Model administrative review policy

**“Eligible household”** means one or more natural persons, the total annual adjusted gross income of whom does not exceed the greater of (1) 120 percent of the median annual adjusted gross income for households within the state, or (2) 120 percent of the median annual adjusted gross income

for households within *Miami-Fort Lauderdale-Pompano Beach, FL Metropolitan Statistical Area*], who rent and actually occupy an affordable unit.

**“Major transportation hub”** A location where various modes of transport converge facilitating the transfer of passengers and cargo which may include but is not limited to bus, train or light rail services

**“Transit Oriented Development (TOD)”** An area within half a mile of a transit station designed to promote a higher density development and a mix of land uses, encouraging walking, biking, and the use of public transit.



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# ARTICLE 4 ZONING DISTRICTS

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## 155.400 GENERAL PROVISIONS

- (A) Compliance with District Standards. No land within the City shall be developed except in accordance with the zoning district regulations of this article and all other regulations of this Code.
- (B) Consistency with the Comprehensive Plan. This LDC is intended to be consistent with the goals, objectives, and policies of the City's adopted Comprehensive Plan

## 155.401 ZONING MAP

- (A) The areas assigned to these districts and the boundaries of the districts shown on the maps are made a part of this LDC as if fully set forth herein are hereby established, the maps being designated as the "Zoning District Map."
- (B) The maps and the proper notations, references, and other information shown thereon, shall be as much a part of this LDC as if the matters and information set forth by the map were fully described herein.
- (C) Each district shall be subject to the regulations set forth in this Land Development Code.

## 155.402 DISTRICT CLASSIFICATIONS

### (A) District Boundaries

1. Unless otherwise shown, the district boundaries are street lines, alley lines, or the subdividing or boundary lines of recorded plats, or the extensions thereof. Where the districts designated on maps accompanying and made a part of this LDC are approximately bounded by street lines, alley lines, or the subdividing or boundary lines of recorded plats, those lines or the extensions thereof shall be considered to be district boundaries.
2. Where, due to the scale or illegibility of the district map or due to the absence of a street, alley, or recorded subdividing of plat lines, there is any uncertainty, contradiction, or conflict as to intended location of any district boundary, the Planning and Economic Development Department Director shall have the power and duty of interpreting the intent of the district maps so as to determine and designate the proper location for the district boundary in accordance with the spirit and purpose of this LDC.
3. Where a zoning district boundary divides a lot or parcel, the location of such boundary, unless indicated by legal description with distance and bearing or other dimension, shall be determined by the scale of the zoning district map by the Planning and Economic Development Department Director.
4. Where a zoning designation conflict may occur, the Planning and Economic Development Director shall determine the official zoning district classification.

5. The Planning and Economic Development Department Director shall enter changes on the Official Zoning Map as soon as is practical after a zoning change is approved by the City Commission. Where the ordinance enacting a zoning change contains wording explaining or clarifying the location of zoning district boundaries, the Planning and Economic Development Department Director may enter on the Official Zoning Map notations reflecting the ordinance wording.
6. Land that is not indicated on the Official Zoning Map as being in any zoning district shall be considered to be included in the most restrictive adjacent zoning district that complies with the future land use map designation, even when such district is separated from the land in question by a right-of-way.
7. Zoning of Annexed Lands. All lands annexed to the corporate limits of the city shall retain their existing county zoning classifications. For this purpose, all published material establishing the rules, regulations, and limitations governing and restricting the use of property under such zoning classifications shall be adopted in this LDC by reference. Such zoning classifications shall be presumed to be valid classifications of the lands annexed and shall not be subject to change, except upon initiation of a zoning change pursuant to the LDCs, by either the city or the owners of the property annexed.

(B) District Classification

1. Types of Zoning Districts. Land within the City will hereby be classified into the following categories: Agricultural, Community Facilities, Recreation, Residential, Commercial, Industrial, and Planned.
2. Specific Zoning Districts
  - (a) Agricultural, Community Facilities, and Recreation
    - i. Agriculture (A)
    - ii. Agriculture Excavation (A-E)
    - iii. Resource Recovery (R-R)
    - iv. Utility (U)
    - v. Community Facility (CF)
    - vi. Recreation (REC)
  - (b) Residential
    - i. Residential Estate (R-E)
    - ii. Residential Single-Family (R-1A through R-1C)
    - iii. Residential Single-Family Zero Lot Line (R-1Z)
    - iv. Residential Mobile Home (R-MH)
    - v. Residential Two-Family (R-2)
    - vi. Residential Townhouse (R-TH)
    - vii. Residential Multi-Family (R-MF)
  - (c) Commercial
    - i. Neighborhood Business (B-1)
    - ii. Community Business (B-2)
    - iii. General Business (B-3)
    - iv. Commercial (C-1)
    - v. Professional Office (PO)

(d) Industrial

- i. Industrial Light (I-L)
- ii. Industrial Medium (I-M)
- iii. Industrial Heavy (I-H)

(e) Planned

- i. Planned Unit Development (PUD)
- ii. Planned Small Lot Development (PD-SL)
- iii. Mixed Use Development (MXD)
- iv. Planned Commercial Development (PCD)
- v. Planned Industrial Development (PID)
- vi. Hospital District (HD)

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## 155.403 ZONING DISTRICTS COMPARATIVE TABLE

(A) In April 2021, the City revised and consolidated the zoning districts per (ord. no. xxxx). This table shall serve as the official comparison between the previous and the proposed zoning districts.

### (B) Comparative Table

Table 155.403: Zoning Districts Comparative Table	
Prior to date April 26, 2021	Effective April 26, 2021
(A-1) Limited Agricultural	(A) Agricultural
(A-2) General Agricultural	
(A-5) Agricultural Excavation	(A-E) Agricultural Excavation
(A-6) Agricultural Disposal	(R-R) Resource Recovery
(A-3) Agricultural Utility	(U) Utility
(A-4) Agricultural Amusement	(REC) Recreation
(S-1) Recreational	
(CF) Community Facility	(CF) Community Facility
(RR) Rural Ranches Lifestyle	Removed
(E-1) Estate	(R-E) Residential Estate
(R-1A) One- Family Dwelling	(R-1A) Residential Single-Family
(R-1B) One-Family Dwelling	(R-1B) Residential Single-Family
(R-1C) One-Family Dwelling	(R-1C) Residential Single-Family
(R-1P) One- Family Dwelling Parking	Removed
(RS- 7) Single- Family	(R-1Z) Residential Single- Family Zero Lot Line
(R-1T) Mobile Home Dwelling	(R-MH) Residential Mobile Home
(R-2U) Two- Family Dwelling	(R-2) Residential Two- Family Dwelling
(TH-12) Townhouse	(R-TH) Residential Townhouse
(R-3) Low Density Multiple	(R-MF) Residential Multi-Family
(R-4) Apartment	
(R-4A) Planned Apartment	
(R-6) Hotel	
(B-1) Neighborhood Business	(B-1) Neighborhood Business
(B-2) Community Business	(B-2) Community Business
(B-2A) Planned Business Center	Removed
(B-3) General Business	(B-3) General Business
(C-1) Commercial	(C-1) Commercial
(PO-1) Professional Office	(PO) Professional Office
(PO-2) Professional Office	
(M-1) Light Industrial	(I-L) Industrial-Light
(M-2) Medium Industrial	
(M-3) General Industrial	(I-M) Industrial-Medium
(M-4) Limited Heavy Industrial	(I-H) Industrial-Heavy
(M-5) Heavy Industrial	
(PUD) Planned Unit Development	(PUD) Planned Unit Development
(PD-SL) Planned Development Small Lot	(PD-SL) Planned Development Small Lot
(MXD) Mixed Use Development	(MXD) Mixed Use Development
(PCD) Planned Commercial Development	(PCD) Planned Commercial Development

Table 155.403: Zoning Districts Comparative Table	
Prior to date April 26, 2021	Effective April 26, 2021
(PID) Planned Industrial Development	(PID) Planned Industrial Development
(HD) Hospital	(HD) Hospital

## AGRICULTURE, COMMUNITY FACILITIES AND RECREATION

### 155.410 AGRICULTURE (A)

(A) Purpose. This district is intended primarily to provide for lands which accommodate agricultural production and agricultural support uses.

(B) Permitted Uses. See Table 155.501.

(C) Dimensional Standards Table

Table 155.410: Agriculture (A)		
Standard	Non-Residential	Residential
Minimum Lot Size	35,000 square feet and street frontage of 125 feet	35,000 square feet and street frontage of 125 feet [1]
Maximum Lot Coverage	20% for lots less than 1 acre   25% for lots greater than 1 acre	20% for lots less than 1 acre   25% for lots greater than 1 acre
Maximum Height	60 feet	60 feet
Front Setback	25 feet	25 feet
Side Setback	25 feet	25 feet [2]
Rear Setback	25 feet	25 feet
Street Side Setback	Equivalent to 25% of lot width not to exceed 25 feet	Equivalent to 25% of lot width not to exceed 25 feet
Minimum Floor Area	N/A	Single-Family Dwelling: 900 square feet
<p><b>Note(s):</b></p> <p>[1] A lot having a minimum area of 10,000 square feet and a minimum width of 100 feet and platted as a single lot or acquired by the present owner prior to the effective date of this LDC, may be utilized for a single-family dwelling.</p> <p>[2] A side setback for a single-family dwelling shall not be required to exceed 25 feet. Greater setbacks may be required for various uses (See additional design criteria).</p>		

(D) Additional Criteria

1. Setback modifications. The setback requirements specified in section (C) above shall be subject to the following:

- (a) Setback requirements shall not apply to portions of land or land used for permissible uses, and which do not contain buildings, and which do not contain structures over 20 feet in height.
- (b) Where a portion of a tract of land is utilized for a building or buildings as the principal use, the lot of land occupied by those buildings shall be provided with all required setbacks, the measurement of which shall be from the building or buildings.

## 155.411 AGRICULTURE EXCAVATION (A-E)

(A) Purpose. This district is intended primarily to apply to undeveloped areas of the City, wherein there are deposits of natural resources which can be safely extracted without serious damage.

(B) Permitted Uses. See Table 155.501.

(C) Dimensional Standards Table

Table 155.411: Agriculture Excavation (A-E)	
Standard	Non-Residential
Minimum Lot Size	5 acres
Maximum Lot Coverage	N/A
Maximum Height	100 feet
Front Setback	100 feet
Side Setback	100 feet
Rear Setback	100 feet
<p><b>Note(s):</b></p> <p>No mixing or batching plant, bin, tank, silo, or structure incidental to such plant, shall be located nearer than 300 feet to any property in separate and different ownership.</p> <p>Every lot shall conform to all of the provisions of 155.6112.</p> <p>No excavation shall be allowed within 50 feet of the future right-of-way line for any street or highway, nor within 100 feet of any private property line for lots less than one acre and 30 feet of any property line for lots one acre or greater.</p>	

(D) Additional Standards. Any permitted single-family use built under this zoning shall follow the residential development standards under Agriculture (A) 155.410.

## 155.412 RESOURCE RECOVERY (R-R)

(A) Purpose. This district is intended primarily to apply to areas appropriate for the disposal of waste materials wherein that disposal will not adversely affect desirable future development.

(B) Permitted Uses. See Table 155.501.

(C) Dimensional Standards Table

Table 155.412: Resource Recovery (R-R)	
Standard	Non-Residential
Minimum Lot Size	Disposal of refuse only – Minimum 5 acres. Disposal of refuse including garbage or animal refuse – Minimum 20 acres. An incinerator – Minimum 40 acres.
Maximum Lot Coverage	10% for all main and accessory buildings
Maximum Height	150 feet
Front Setback	75 feet in depth [1]
Side Setback	50 feet in depth [1]
Rear Setback	50 feet in depth [1]
<b>Note(s):</b>	
[1] Lots used for disposal of reuse, including garbage or animal refuse, shall have setbacks to all lot lines not less than 100 feet in depth. No part of any incinerator or its appurtenant attached building or structures shall be located within 500 feet of any lot line.	

(D) Additional Standards. Any permitted single-family use built under this zoning shall follow the residential development standards under Agriculture (A) 155.410.

## 155.413 UTILITY (U)

(A) Purpose. This district is intended to accommodate utility uses which are necessary to provide an adequate level of service to meet the current and future needs of the City.

(B) Permitted Uses. See Table 155.501.

(C) Dimensional Standards Table

Table 155.413: Utility (U)	
Standard	Non-Residential
Minimum Lot Size	5 acres in area [1]
Maximum Lot Coverage	20%
Maximum Height	500 feet
Front Setback	50 feet in depth or width [2] [3] [4]
Side Setback	50 feet in depth or width. [2] [3] [4]
Rear Setback	50 feet in depth or width. [2] [3] [4]
Street Side Setback	50 feet in depth or width. [2] [3] [4]
<p><b>Note(s):</b></p> <p>[1] 1 A lift station for a sewer line may be located on a lot at least 75 feet wide and 7,500 square feet in area.</p> <p>[2] Any structure used as part of a sewage treatment plant, water treatment plant, or water pumping plant, including tank, bins, settling basins, reservoirs, and other similar facilities, shall be located at least 100 feet from any lot line.</p> <p>[3] Any structure or building exceeding 20 feet in height shall not be located nearer to any property in separate or different ownership than a distance equal to one-half the height of the structure or building.</p> <p>[4] On a lot used only for a sewage lift station and having no building over ten feet in height and no structure over 25 feet in height, the required setbacks shall be reduced to 25 feet in depth or width.</p>	

## 155.414 COMMUNITY FACILITY (CF)

(A) Purpose. This district is intended primarily to provide for educational institutions, government facilities, civic facilities and other related uses.

(B) Permitted Uses. See Table 155.501.

(C) Dimensional Standards Table

Table 155.414: Community Facility (CF)	
Standard	All Uses
Minimum Lot Size	N/A
Maximum Height	100 feet
Front Setback	25 feet [1]
Side Setback	15 feet [1]
Rear Setback	20 feet [1]
<b>Note(s):</b>  [1] The setbacks shall apply to all one story structures and shall each be increased by five feet for every story thereafter, not to exceed setback of 50 feet. Bufferyards within other provisions of the Code shall also apply.	

(D) Additional Criteria. Community facility zoning shall not be permitted in any private residential community.

## 155.415 RECREATION (REC)

(A) Purpose. This district is intended primarily for sports and recreational activities in which the participants are actively engaged, but which may also provide entertainment for spectators.

(B) Permitted Uses. See Table 155.501.

(C) Dimensional Standards Table

Table 155.415: Recreation (REC)	
Standard	Non-Residential
Minimum Lot Size	150 feet wide   1 acre
Maximum Lot Coverage	20%
Maximum Height	100 feet
Front Setback	50 feet
Side Setback	50 feet [1]
Rear Setback	50 feet
<b>Note(s):</b>	
[1] Side setback shall increase by one foot for every foot in height of the building or structure exceeding 25 feet.	

## RESIDENTIAL DISTRICTS

### 155.420 RESIDENTIAL ESTATE (R-E)

(A) Purpose. This district is intended to primarily apply to large lot, single-family developments. This district also allows supporting public and recreational facilities.

(B) Permitted Uses. See Table 155.501.

(C) Dimensional Standards Table

Table 155.420: Residential Estate (R-E)		
Standard	Residential	Non-Residential
Minimum Lot Size	Width: 125 feet   Area: 35,000 square feet [1]	Width: 125 feet   Area: 35,000 square feet [1]
Maximum Lot Coverage	20%	20%
Maximum Height	Two Stories or 35 feet	60 feet
Front Setback	50 feet	50 feet
Side Setback	25 feet	25 feet [2]
Rear Setback	25 feet	25 feet
Street Side Setback	25 feet	25 feet
Minimum Floor Area	1,500 square feet	N/A
<b>Note(s):</b>		
[1] Lots for utility uses are exempt from minimum lot size requirements but are required to meet minimum setbacks.		
[2] Side setbacks shall increase by one foot for each foot in height of the building or structure exceeding 40 feet.		

## 155.421 RESIDENTIAL SINGLE-FAMILY (R-1A, R-1B, R-1C)

(A) Purpose. These districts are intended primarily for detached, single-family residential dwelling neighborhoods. These districts also allow supporting public and recreational facilities.

(B) Permitted Uses. See Table 155.501.

(C) Dimensional Standards Tables

Table 155.421.1: Residential Single-Family (R-1A)		
Standard	Residential	Non-Residential
Minimum Lot Size	Width: 100 feet   Area: 10,000 square feet [1]	Width: 100 feet   Area: 10,000 square feet [1]
Maximum Lot Coverage	40%	40%
Maximum Height	Two Stories or 35 feet	Two Stories or 35 feet
Front Setback	25 feet	30 feet
Side Setback	10 feet [2]	20 feet [3]
Rear Setback	15 feet	25 feet
Street Side Setback	Key Lots: 25 feet   Corner Lots: 15 feet	Key Lots: 25 feet   Corner Lots: 15 feet
Minimum Floor Area	1,500 square feet	N/A
<b>Note(s):</b>		
[1] A smaller lot of record may be utilized for a one-family dwelling if platted prior to Date 1969.		
[2] An existing legal lot of 60 feet wide or less, side setback shall be at least five feet.		
[3] Side setback shall increase by one foot for every two feet in height of the building or structure exceeding 20 feet.		

<b>Table 155.421.2: Residential Single-Family (R-1B)</b>		
<b>Standard</b>	<b>Residential</b>	<b>Non-Residential</b>
Minimum Lot Size	Width: 75 feet   Area: 7,500 square feet [1]	Width: 75 feet   Area: 7,500 square feet [1]
Maximum Lot Coverage	40%	40%
Maximum Height	Two Stories or 35 feet	Two Stories or 35 feet
Front Setback	25 feet	30 feet
Side Setback	7.5 feet [2]	20 feet [3]
Rear Setback	15 feet	25 feet
Street Side Setback	Key Lots: 25 feet   Corner Lots: 15 feet	Key Lots: 25 feet   Corner Lots: 15 feet
Minimum Floor Area	1,000 square feet	N/A
<b>Note(s):</b>		
[1] A smaller lot of record may be utilized for a one-family dwelling if platted prior to March 1969.		
[2] An existing legal lot of 60 feet wide or less, side setback shall be at least five feet.		
[3] Side setback shall increase by one foot for every two feet in height of the building or structure exceeding 20 feet.		

<b>Table 155.421.3: Residential Single-Family (R-1C)</b>		
<b>Standard</b>	<b>Residential</b>	<b>Non-Residential</b>
Minimum Lot Size	Width: 70 feet   Area: 7,000 square feet [1]	Width: 70 feet   Area: 7,000 square feet [1]
Maximum Lot Coverage	40%	40%
Maximum Height	Two Stories or 35 feet	Two Stories or 35 feet
Front Setback	25 feet	30 feet
Side Setback	7.5 feet [2]	20 feet [3]
Rear Setback	15 feet	25 feet
Street Side Setback	Key Lots: 25 feet   Corner Lots: 15 feet	Key Lots: 25 feet   Corner Lots: 15 feet
Minimum Floor Area	900 square feet	N/A
<b>Note(s):</b>		
[1] A smaller lot of record may be utilized for a one-family dwelling if platted prior to March 1969.		
[2] An existing legal lot of 60 feet wide or less, side setback shall be at least five feet.		
[3] Side setback shall increase by one foot for every two feet in height of the building or structure exceeding 20 feet.		

## 155.422 RESIDENTIAL SINGLE-FAMILY ZERO LOT LINE (R-1Z)

(A) Purpose. This district is intended primarily for smaller lot single-family residential neighborhoods which encourage more compact use of land as compared with the typical single-family development.

(B) Permitted Uses. See Table 155.501.

(C) Dimensional Standards Table

Table 155.422: Residential Single-Family Zero Lot Line (R-1Z)	
Standard	Residential
Minimum Development Size	5 Acres
Minimum Lot Size	Width: 30 feet   Area: 4,500 square feet
Maximum Lot Coverage	45%
Maximum Height	Two Stories or 35 feet
Front Setback	20 feet
Side Setback	0 feet for the side where the home is placed against the lot line;
	15 feet on the nonzero side
Rear Setback	15 feet
Street Side Setback	15 feet
Minimum Floor Area	1,300 square feet

(D) Additional Criteria. See 155.652 for additional criteria for Residential Single-Family Zero Lot Line (R-1Z) development.

## 155.423 RESIDENTIAL MOBILE HOME (R-MH)

(A) Purpose. This district is intended primarily for single-family residential mobile home developments and neighborhoods. This district is intended to apply to areas to be used for the parking or placement of mobile homes for permanent residences.

(B) Permitted Uses. See Table 155.501.

(C) Dimensional Standards Table

Table 155.423: Residential Mobile Home (R-MH)	
Standard	Residential
Minimum Lot Size	Width: 40 feet   Depth: 80 feet
Maximum Lot Coverage	N/A
Maximum Height	15 feet
Front Setback	6 feet
Side Setback	4 feet [1]
Rear Setback	8 feet
Street Side Setback	4 feet
Minimum Floor Area	N/A
<b>Note(s):</b>	
[1] Open carports, driveways and stoops may be located 2 feet from the interior lot line.	

(D) Additional Criteria. Limitations and special requirements.

1. The mobility of the vehicle used as a mobile home or house trailer shall be maintained. Each unit of a mobile home originally moved onto the site as a separate house trailer, shall be kept currently licensed each year as provided under F.S. § 320.081.
2. Plumbing fixtures and electrical connections associated with cooking facilities shall not be permitted in any building or structure other than the mobile home itself.
3. Each lot shall abut on a public street at least 50 feet in width.
4. Any R-MH District shall be at least five acres in gross area. R-MH zoning shall be applied only to property properly platted under a subdivision plat of record.
5. Fences. A fence may be installed within the front yard setback in accordance with the following regulations:
  - (a) Height. The fence shall not exceed 36 inches in height.
  - (b) Such fence must be constructed of decorative aluminum or wood and shall be no more than 50% opaque.
  - (c) The fence shall not obstruct sight distance triangles, fire hydrants, water valves, water meters, sewer clean-outs and or otherwise precludes any utility maintenance to be performed by the City.

6. Driveways. Mobile home communities established pursuant to this section shall include a minimum of two car stacking driveways with the following dimensions:
- (a) Minimum of 9 feet wide and 35 feet long; or
  - (b) Minimum of 16 feet wide and 20 feet long.

## 155.424 RESIDENTIAL TWO-FAMILY (R-2)

(A) Purpose. This district is intended primarily for attached, two-family residential dwelling neighborhoods with minimum lots per two-family dwelling units. Detached single-family dwelling units are permitted.

(B) Permitted Uses. See Table 155.501.

(C) Dimensional Standards Table

Table 155.424: Residential Two-Family (R-2)		
Standard	Residential	Non-Residential
Minimum Lot Size	Width: 70 feet   Area: 7,000 square feet [1]	Width: 70 feet   Area: 7,000 square feet [1]
Maximum Lot Coverage	40%	40%
Maximum Height	Two Stories or 30 feet	Two Stories or 30 feet
Front Setback	25 feet	30 feet
Side Setback	7.5 feet [2]	20 feet [3]
Rear Setback	15 feet	25 feet
Street Side Setback	15 feet	15 feet
Minimum Floor Area	Single-Family Detached Dwelling: 750 square feet	N/A
	Two-Family Attached Dwelling: 750 square feet per unit	
<b>Note(s):</b>		
[1] If each half of a two-family dwelling is on separate adjoining lots then each lot shall not be less than 35 feet in width and 3,500 square feet in area.		
[2] However, if two-family dwelling is erected on two platted lots, no setback is needed along common wall and lot line.		
[3] Side setback shall increase by one foot for every two feet in height of structure or building exceeding 20 feet.		

## 155.425 RESIDENTIAL TOWNHOUSE (R-TH)

(A) Purpose. This district is intended primarily for multi-family, townhouse residential dwelling neighborhoods.

(B) Permitted Uses. See Table 155.501.

(C) Dimensional Standards Table

Table 155.425: Residential Townhouse (R-TH)	
Standard	Residential Townhouse
Minimum Lot Size	1.5 acres
Maximum Density	12 Units per gross acre
Maximum Height	35 feet
Front Setbacks	15 feet
Side Setbacks	25 feet
Rear Setbacks	20 feet
Street Side Setbacks	N/A
Townhouse Grouping	
(A) Front to front and rear to rear;	Minimum Separation Between Townhouse Buildings: (A) 50 feet of which a minimum of 15 feet of open space, not to be used for parking; (B) 20 feet; (C) 20 feet plus 10 feet if driveway between groupings
(B) Side to rear;	
(C) Side to side	
Grouping Spacing	20 feet between each group of townhouses; plus 10 feet if driveway between groupings
Grouping Length	A grouping of townhouses shall not exceed 160 feet in length
Minimum Unit Size	800 square feet
Minimum unit width	Minimum Width: 16 feet for an individual townhouse

(D) Additional Criteria

See 155.651 for additional criteria for Residential Townhouse (R-TH) development.

## 155.426 RESIDENTIAL MULTI-FAMILY (R-MF)

(A) Purpose. This district is intended to primarily accommodate a mixture of housing types including single-family, multi-family, as well as townhouse developments.

(B) Permitted Uses. See Table 155.501.

(C) Dimensional Standards Table:

Table 155.426.1: Residential Multi-Family (R-MF)		
Standard	Residential	Non-Residential
Minimum Lot Size	12 gross acres [1]	Width: 100 feet   Area: 10,000 square feet
Maximum Height	8 stories or 100 feet whichever is less	8 stories or 100 feet whichever is less
Front Setback	60 feet	30 feet
Side Setback	20 feet	25 feet [2]
Rear Setback	20 feet	20 feet [3]
Street Side Setback	N/A	15 feet
Minimum Unit Size	550 square feet	N/A
<b>Note(s):</b>		
[1] 12-acres or less as a portion of a PUD		
[2] Side setback shall increase by one foot for every two feet in height of building or structure exceeding 20 feet.		
[3] Rear setback shall increase by two feet for every ten feet in height of building or structure exceeding 44 feet.		

## (D) Development Standards

Table 155.426.2: Multi-Family Development Standards	
Standard	Residential
Maximum Density	Consistent with FLUM
Maximum Building Coverage	30%
Minimum Open Space	45% [1]
Minimum Between Buildings	15 feet
Vehicle Use Area	30% maximum non-pervious
<b>Note(s):</b> [1] See additional Criteria in Article 6.	

## (E) Additional Standards

1. All single-family (R-1A, R-1B and R-1C) units shall comply with the standards set forth in § 155.421.
2. All zero lot line (R-1Z) units shall comply with the standards set forth in § 155.422.
3. All duplex (R-2) units shall comply with the standards set forth in § 155.424.
4. All townhouse units (R-TH) shall comply with the standards set forth in § 155.425.

(F) See 155.650 for additional criteria for Residential Multi-Family (R-MF) development.

## COMMERCIAL DISTRICTS

### 155.430 NEIGHBORHOOD BUSINESS (B-1)

(A) Purpose. This district is intended to primarily meet the local neighborhood shopping and personal service needs a limited, surrounding residential area.

(B) Permitted Uses. See Table 155.501.

(C) Dimensional Standards Table

Table 155.430: Neighborhood Business (B-1)	
Standard	Non-Residential
Minimum Lot Area	None
Minimum Lot Coverage	None
Maximum Height	Two Stories or 30 feet
Front Setback	25 feet [1]
Side Setback	10 feet [1]
Rear Setback	15 feet [1]
Minimum Floor Area	1,500 square feet
<b>Note(s):</b> [1] The first 10 feet must be fully sodded and landscaped.	

## 155.431 COMMUNITY BUSINESS (B-2)

(A) Purpose. This district is intended to primarily meet the shopping and service needs of surrounding residential neighborhoods and communities.

(B) Permitted Uses. See Table 155.501.

(C) Dimensional Standards Table

Table 155.431: Community Business (B-2)	
Standard	Non-Residential
Minimum Lot Area	15,000 square feet
Minimum Lot Dimensions	150 feet of frontage on the primary traffic artery and 100 feet in depth
Maximum Height	100 feet [1]
Front or Street Side Setback [5]	30 feet in depth [2,3]
Side Setback [5]	10 feet in width which shall be totally landscaped [4]
Rear Setback [5]	15 feet in depth [7]
Minimum Floor Area	Each structure having a permitted or combination of permitted uses shall have a minimum of 1,500 square feet [6]
<p><b>Note(s):</b></p> <p>[1] No building within 100 feet of any single family dwelling shall exceed two stories or 35 feet.</p> <p>[2] For buildings exceeding 35 feet in height, front or street side setbacks must be increased one foot for every two feet in height in excess of 35 feet.</p> <p>[3] The first 15 feet of all front and street side setbacks adjacent to the property line shall be fully landscaped with sod, ground shrubbery, and trees, except where crossed by permitted access driveways or walkways. The balance of the required setbacks may be used for parking.</p> <p>[4] For buildings exceeding 35 feet in height, side setbacks must be increased one foot for every five feet in height in excess of 35 feet.</p> <p>[5] All lots abutting a residential district or use shall have setbacks in accordance with 155.630-155.633</p> <p>[6] However, existing outparcels delineated on a plat recorded prior to 2-6-85 for a shopping facility shall be exempt from providing a building of the above minimum square footage.</p> <p>[7] The first 10 feet must be fully sodded and landscaped.</p>	

(D) Additional Criteria

See Article 6 for additional criteria for Community Business (B-2) development.

## 155.432 GENERAL BUSINESS (B-3)

(A) Purpose. This district is intended to primarily apply to shopping centers that serve a regional scale and offer a diverse range of good and services. This district should have access to arterial roadways to better serve the community.

(B) Permitted Uses. See Table 155.501.

(C) Dimensional Standards Table

Table 155.432: General Business (B-3)	
Standard	Non-Residential
Minimum Lot Area	15,000 square feet
Minimum Lot Dimensions	150 feet of frontage on the primary traffic artery and 100 feet in depth
Maximum Height	100 feet [1]
Front or Street Side Setback [5]	30 feet in depth [2,3]
Side Setback [5]	10 feet in width which shall be totally landscaped [4]
Rear Setback [5]	15 feet in depth [7]
Minimum Floor Area	325 square feet per dwelling unit; Each structure having a permitted or combination of permitted uses shall have a minimum of 1,500 square feet [6] 150 square feet for a rental sleeping room in a hotel, lodging house, tourist home, or similar use.
<p><b>Note(s):</b></p> <p>[1] No building within 100 feet of any single family dwelling shall exceed two stories or 35 feet.</p> <p>[2] For buildings exceeding 35 feet in height, front or street side setbacks must be increased one foot for every two feet in height in excess of 35 feet.</p> <p>[3] The first 15 feet of all front and street side setbacks adjacent to the property line shall be fully landscaped with sod, ground shrubbery, and trees, except where crossed by permitted access driveways or walkways. The balance of the required setbacks may be used for parking.</p> <p>[4] For buildings exceeding 35 feet in height, side setbacks must be increased one foot for every five feet in height in excess of 35 feet.</p> <p>[5] All lots abutting a residential district or use shall have setbacks in accordance with 155.630-155.633</p> <p>[6] However, existing outparcels delineated on a plat recorded prior to 2-6-85 for a shopping facility shall be exempt from providing a building of the above minimum square footage.</p> <p>[7] The first 10 feet must be fully sodded and landscaped.</p>	

(D) Additional Criteria

See Article 6 for additional criteria for General Business (B-3) development.

## 155.433 COMMERCIAL (C-1)

(A) Purpose. This district is intended to accommodate a diverse range of retail, repair services, wholesale, storage, and sales of large or heavy machinery and equipment.

(B) Permitted Uses. See Table 155.501.

(C) Dimensional Standards Table

Table 155.433: Commercial (C-1)	
Standard	Non-Residential
Minimum Lot Area	1 acre: 43,560 square feet
Minimum Lot Dimensions	N/A
Maximum Height	100 feet
Front or Street Side Setback [3]	30 feet in depth [1]
Side Setback [3]	10 feet in width which shall be totally landscaped [2]
Rear Setback [3]	15 feet in depth [4]
Minimum Floor Area	N/A
<p><b>Note(s):</b></p> <p>[1] The first 15 feet of all front and street side setbacks adjacent to the property line shall be fully landscaped with sod, ground shrubbery, and trees, except where crossed by permitted access driveways or walkways. The balance of the required yards may be used for parking.</p> <p>[2] For buildings exceeding 35 feet in height, side setbacks must be increased one foot for every five feet in height in excess of 35 feet.</p> <p>[3] All lots abutting a residential district or use shall have setbacks in accordance with 155.630-155.633</p> <p>[4] The first 10 feet must be fully sodded and landscaped.</p>	

## 155.434 PROFESSIONAL OFFICE (PO)

(A) Purpose. This district is intended to primarily provide suitable site for administrative, professional, and financial offices while maintaining and limiting impacts on surrounding residential neighborhoods.

(B) Permitted Uses. See Table 155.501.

(C) Dimensional Standards Table

Table 155.434: Professional Office (PO)	
Standard	Non-Residential
Minimum Lot Area	6,000 square feet
Minimum Lot Dimensions	60 feet in width by 100 feet in depth
Maximum Height	50 feet [1]
Front or Street Side Setback	30 feet [2]
Side Setback	20 feet
Rear Setback	25 feet
Minimum Floor Area	N/A
<p><b>Note(s):</b></p> <p>[1] Where a building exceeds 25 feet in height, all setbacks shall be increased two feet over the initial setback distance for every one foot in height.</p> <p>[2] Except where the lot is adjacent to a traffic way with 100 feet or more right-of-way, the setback shall be 50 feet.</p>	

## INDUSTRIAL DISTRICTS

### 155.440 INDUSTRIAL-LIGHT (I-L)

(A) Purpose. This district is primarily intended to accommodate a wide range of low intensity manufacturing, assembly, processing, distribution, warehousing, research and development, or other low intensity industrial uses.

(B) Permitted Uses. See Table 155.501.

(C) Dimensional Standards Table

Table 155.440: Industrial-Light (I-L)	
Standard	Non-Residential
Minimum Lot Area	N/A
Minimum Lot Dimensions	N/A
Maximum Height	100 feet
Front or Street Side Setback [1,2,3]	155.630 - 155.633
Side Setback [1,2,3]	155.630 - 155.633
Rear Setback [1,2,3]	155.630 - 155.633
Minimum Floor Area	1,500 square feet
<p><b>Note(s):</b></p> <p>[1] No building, structure, or part thereof shall be located within 75 feet of the right-of-way and no direct access shall be permitted from Pines Boulevard to abutting properties. No parking shall be located within 50 feet of the right-of-way line from the main arterial's roads.</p> <p>[2] Except on a street which separates an I-L District from a residential district, in which case the setback shall be 25 feet, and that area shall be maintained as a planting strip. No direct access shall be permitted from the dividing street to the abutting properties in an I-L District.</p>	

## 155.441 INDUSTRIAL-MEDIUM (I-M)

(A) Purpose. This district is primarily intended for medium intensity manufacturing uses which are compatible with non-residential areas and have limited negative impacts upon contiguous non-residential areas and uses. This district is not typically well suited to be adjacent to residential communities.

(B) Permitted Uses. See Table 155.501.

(C) Dimensional Standards Table

Table 155.441: Industrial-Medium (I-M)	
Standard	Non-Residential
Minimum Lot Area	10,000 square feet
Minimum Lot Size	100 feet in width
Maximum Height	150 feet
Front or Street Side Setback	155.630 - 155.633
Side Setback	155.630 - 155.633
Rear Setback	155.630 - 155.633
Minimum Floor Area	N/A

## 155.442 INDUSTRIAL-HEAVY (I-H)

(A) Purpose. This district is primarily intended to apply to areas surrounded by less intense industrial districts, which because of location, access, transportation, and relation to other industrial areas, can be appropriately utilized for heavier types of industry.

(B) Permitted Uses. See Table 155.501.

(C) Dimensional Standards Table

Table 155.442.1: Industrial-Heavy (I-H)	
Standard	Non-Residential
Minimum Lot Area	40,000 square feet
Minimum Lot Size	200 feet in width
Maximum Height	200 feet
Front or Street Side Setback [1,2]	155.630 - 155.633
Side Setback [1,2]	155.630 - 155.633
Rear Setback [1,2]	155.630 - 155.633
Minimum Floor Area	N/A
<p><b>Note(s):</b></p> <p>[1] No portion of any land utilized for, or building occupied by, a use first permitted in an I-H District shall be located within 300 feet of any residentially zoned property or any property zoned (A, U, A-E, R-R). However, this separation requirement shall not apply to accessory uses which are permissible in I-M or more restricted districts as principal uses.</p> <p>[2] Any land, building, or structure utilized for a use first permitted in an I-H District shall be located at least 50 feet from all lot lines. However, this 50 foot setback area may be utilized for accessory uses, building, and structures permitted in an I-M or more restricted district.</p>	

(D) Additional Criteria. The following table shall be for uses which require special exception in Industrial Heavy (I-H) districts as shown in Table 155.501.

<b>Table 155.442.2: Industrial-Heavy (I-H) Special Exception Standards</b>	
<b>Standard</b>	<b>Non-Residential</b>
Minimum Lot Area	5 acres
Minimum Lot Size	500 feet in width
Maximum Height	200 feet
Front or Street Side Setback [1,2]	155.630 - 155.633
Side Setback [1,2]	155.630 - 155.633
Rear Setback [1,2]	155.630 - 155.633
Minimum Floor Area	N/A
<p><b>Note(s):</b></p> <p>[1] No portion of any land utilized for, or building occupied by, a use first permitted in an I-H District shall be located within 300 feet of any residentially zoned property or any property zoned in an agriculture zoned district. However, this separation requirement shall not apply to accessory uses which are permissible in I-M or more restricted districts as principal uses.</p> <p>[2] Any land, building, or structure utilized for a use first permitted in an I-H District shall be located at least 50 feet from all lot lines. However, this 50 foot setback area may be utilized for accessory uses, building, and structures permitted in an I-M or more restricted district.</p>	

## PLANNED DISTRICTS

### 155.450 DEVELOPMENT PROCEDURES FOR PLANNED DISTRICTS

- (A) All planned districts as defined in this article are subject to site plan approval procedures set forth in 155.301(A) unless otherwise noted herein.
- (B) All planned districts undergoing a site plan amendment shall comply with the procedures set forth in 155.301(B).
- (C) Zoning change to a planned district shall comply with the procedures set forth in 155.301(F) and shall include a site plan and narrative to demonstrate compliance with the requirements for the requested zoning district as outlined in this article.
- (D) All planned districts undergoing an amendment to previously approved planned districts guidelines shall comply with the procedures set forth in 155.301(F).

### 155.451 PLANNED UNIT DEVELOPMENT (PUD)

#### (A) Purpose

1. This district is intended to provide flexible land use and design regulations through the use of performance criteria; so that small-to-large scale areas, or portions thereof, may be developed with a variety of residential types and non-residential uses, and may contain both individual building sites and common property.
2. A planned unit is to be designed and organized so as to be capable of satisfactory use and operation as a separate entity without necessarily needing the participation of other building sites or other common property in order to function as a neighborhood. This section specifically encourages innovations so that the growing demands of residential and non-residential uses may be met by a greater variety in type, design, and siting of buildings and by the conservation and more efficient use of land.
3. This section recognizes that the standard zoning functions (use and bulk) and the subdivision function (platting and design) are appropriate for the regulation of land use in areas of neighborhoods that are already substantially developed. This section, further recognizes that a rigid set of space requirements along with bulk and use specifications would frustrate the application of this concept. Therefore, where PUD techniques are deemed appropriate the land may be rezoned to a PUD District. In so doing, conventional use and dimensional specifications are ignored in this section and are herein replaced by an approval process in which an approved plan becomes the basis for continuing land use controls. This provides the means by which City Commission may approve land development plans which meet or exceed the level of development quality required by regular city zoning standards.
4. It is intended that this district offer development design flexibility to developers, in order to encourage imaginative, functional, high quality development planning. The use of this district shall be limited to those development projects which will result in desirable

community environmental qualities and development which is compatible with surrounding lands and activities.

(B) Design Guidelines. Guidelines for the Planned Unit Development shall be determined at the time of application submittal to the Planning and Economic Development Department. Guidelines include but are not limited to: Setbacks, buffers, required yards, lot size, distance between structures, or otherwise established herein.

(C) Active Planned Unit Developments

1. Where a parentheses ( ) comes after a Planned Unit Development, it shall denote the name of an alias of the approved PUD.
2. Where an asterisk \* comes after a Planned Unit Development, it shall mean that the PUD has been approved under a Site Plan.
  - (a) Big Sky (Keystone Lake)
  - (b) Big Sky North (Laguna Isles)
  - (c) Chapel Trail
  - (d) Charleston in the Pines\*
  - (e) Meadow Pines (Cobblestone)
  - (f) Grand Palms
  - (g) Nasher (Sarah Park)
  - (h) Pembroke Falls
  - (i) Pembroke Isles (Lakes of Western Pines)
  - (j) Pembroke Shores
  - (k) Pierpointe\*
  - (l) Raintree
  - (m) SilverLakes
  - (n) The Landings
  - (o) TownGate
  - (p) Country Pines (Walnut Creek)

(D) Standards

1. Minimum Area Required. Under normal circumstances, the minimum area required to qualify for a PUD District shall be 120 contiguous acres of land. The Planning and Zoning Board may consider projects with less acreage where the applicant can demonstrate that a smaller parcel will meet the objectives and requirements of a PUD District, but in no case shall projects less than 50 acres be qualified as a PUD District.
2. Ownership of Land to be used for the project. The parcel of land for a project may be owned, leased, or controlled either by a single person, corporation, or by a group of individuals. An application must be filed by the owner or by the authorized agent of all property included in a project. In the case of multiple ownership, the approved plan shall be binding on all owners, heirs, successors, and assigns.
3. Permitted Uses. All uses within an area designated as a PUD District are determined by the provisions of this section and the approved plan of the project concerned.

- (a) Residential uses. Residences may be of any variety of types. (Single family, multi-family, rental, condominium, townhouses, quadplexes, and the like). In developing a balanced community, the uses of a variety of housing types and designs shall be deemed most in keeping with this section.
- (b) Accessory, Commercial, Service, and Other Non-Residential Uses:
  - i. Because of the primarily residential nature of PUD, only those commercial and industrial uses which are compatible with residential uses may be permitted.
  - ii. Customary accessory or associated uses may also be permitted, as appropriate, to the PUD.
  - iii. The permitted uses shall conform to the approved PUD Plan.
- 4. Minimum Area and Land Dedication Requirements.
  - (a) Planned unit developments shall contain areas at least equal to 35% of the gross area in open space. In addition thereto, planned unit developments shall comply with the standards and regulations set forth in section 154.36.
  - (b) In the event the land shall not be required for municipal purposes, the City Commission may require the developer to make a cash contribution in lieu of the land dedication. The cash contribution shall be the higher of the appraisals of two qualified, mutually acceptable appraisers.
  - (c) Where the planned unit development is being constructed on a planned, phased basis, areas to be dedicated to the city shall be shown on the plan for that phase and shall be deeded to the city at the time of the approval of that phase. Likewise, cash contributions in lieu of land dedication shall be payable upon the approval of each phase.
- 5. Setbacks or Yards. There shall be a setback or yard of not less than 25 feet in depth, abutting all public road rights- of-way within or abutting a Planned Unit Development District.
- 6. Access.
  - (a) 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 to public or private use or by common easement guaranteeing access. Permitted uses are not required to front on a road.
  - (b) The city shall be allowed access on privately owned roads, easements, and open space to insure the police- and fire-protection of the area, to meet emergency needs, to conduct city services, and to generally insure the health and safety of the residents of the planned unit development.
- 7. Compatibility Zone with Adjacent Zoning District. The Planned Unit Development shall be generally compatible with surrounding uses and communities.
- 8. Length of Structures. The length of structures within any given Planned Unit Development District shall be subject to the recommendations of the Planning and Zoning Board and the approval of the City Commission.
- 9. Off-Street Parking. Off-street parking shall at least meet all requirements as required by the City. If changes in these requirements are requested by the applicant, a parking study shall be required to deem the changes necessary.
- 10. Underground Utilities.
  - (a) With the planned unit development, all utilities, including telephone, television cable, and electrical systems, shall be installed underground. Primary facilities providing service to the site may be exempted from this requirement.

- (b) Large transformers shall be placed on the ground and contained within pad mounts, enclosures, or vaults.
  - (c) The developer shall provide adequate landscaping with shrubs and plants to screen all utility facilities permitted above ground.
11. Open Space Regulations. Planned unit developments shall exhibit and maintain a total open space requirement at least equal to 35% of the gross area of the PUD. The following areas qualify wholly or partially as open space:
- (a) No more than 50% of lakes and golf courses shall be counted toward the total open space requirement.
  - (b) All canals and lakes in excess of 80 feet in width may be counted toward open space requirements subject to (a) above.
  - (c) If natural habitats of unique and significant value are determined to exist, the Planning and Zoning Board may recommend the area so defined to be left in an undisturbed state, and adequately protected or incorporated into the design of the PUD as a passive recreation area with a minimum of improvements permitted. In either case, 100% of the area contained therein may be counted as open space.
  - (d) The area contained in a continuous, open space pedestrian system; consisting of permanently maintained walks and trails, not less than 12 feet wide; leading to a natural amenity, recreation facility, or commercial use; offering internal pedestrian walkways that are divorced from roads and streets; may be counted as open space.
  - (e) The area contained in mini-parks; which may or may not be part of the open space system, but contain at least one acre and have a minimum dimension of 100 feet together with, but not limited to, one of the following: benches, playground apparatus, barbeque pits, and fire rings; may be counted as open space.
  - (f) The area occupied by a multiple-use recreation building and its attendant outdoor recreation facilities may be counted as open space.
  - (g) Any privately maintained or owned exterior open space adjacent to and for the exclusive use by the residents of an individual dwelling unit; enclosed or partially enclosed by walls, buildings, or structures, including balconies, terraces, porches, decks, patios and atriums may be counted toward the total open space requirement, providing the total area contained therein does not exceed 5% of the gross area of the PUD, nor decreases the amount of ground level open space below 30% of the gross area of the PUD. All previous land areas between the property or lot lines and the building or buildings thereon shall count as open space, except as herein otherwise provided.
  - (h) The area contained in public and private streets rights-of-way is not considered as open space and receives no credit toward the open space requirement.
  - (i) All open space and all private streets and ways shall conform to its intended use and remain as expressed in the master development plan through the inclusion in all deeds of appropriate covenants.
    - i. The deed restrictions shall run with the land and be for the benefit of present as well as future property owners.
    - ii. All covenants and deed restrictions shall be included in the association documents, which shall specifically provide that the city shall have the power to enforce all the covenants and deed restrictions which affect the health, safety, and welfare of residents.

- iii. All covenants and deed restrictions shall grant to the city a lien upon all real property benefited by the enforcement, in the event it is necessary for the city to enforce the covenants or restrictions.
  - (j) All open space as well as public and recreation 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.
    - i. If the rate of construction of dwelling units is greater than the rate which open space and recreational facilities have been constructed and provided, no permits shall be issued until the proper ratio has been provided.
12. Procedure for Zoning change Land to PUD District Classification. The applicant shall submit to the City an application for zoning change, on a form provided by the City.
- (a) In order to allow the Planning and Zoning Board and the developer to reach an understanding on basic design requirements prior to detailed design, the developer shall apply for concept approval, and submit along with the applications:
- i. A copy of the DRI Report and Development Order, if applicable to the PUD.
  - ii. An area map showing the adjacent property owners and existing uses within 200 feet of the parcel.
  - iii. A legal description of the metes and bounds of the parcel.
  - iv. A sketch plan approximately to scale, though it need not be to the precision of a finished engineering drawing; and it shall clearly show the following:
    - a. The existing topographical features of the site.
    - b. The location of the various uses and their areas in acres.
    - c. The general outlines of the interior roadway system and all existing rights-of-way and easements, whether public or private.
    - d. Delineation of the various residential areas indicating for each such area its general extent, size, and composition in terms of total number of dwelling units and approximate percentage allocation by dwelling unit type.
    - e. A calculation of the residential density in dwelling units per gross acre including interior roadways.
    - f. The interior open space system.
    - g. Principal ties to the community at large with respect to water supply, sewage disposal, and storm drainage.
    - h. General description of the availability of other community facilities, such as schools, fire protection services, and cultural facilities, if any, police, and solid waste disposal and how these facilities are affected by this proposal.
    - i. Evidence of how the developer's proposed land uses meet the existing and projected community requirements. Evidence as to requirements may be in the form of specific studies or reports initiated by the developer or in the form of references to existing studies or reports relevant to the project in question.
    - j. Evidence that the proposal is compatible with the goals of the official master plan, if such plan exists.
    - k. General statement as to how open space is to be owned and maintained.
    - l. All pedestrian walkway systems shall be shown. Sidewalks will be required along private streets, except where there is a pedestrian walkway within the common areas.
    - m. Evidence as to traffic movement on both exterior and interior roadways.

- n. If the development is to be staged, a general indication of how the staging is to proceed. Whether or not the development is to be stages, the sketch plan shall show the intended total project.
13. Failure to Commence or Continue Project. If no construction has begun or no use established in the planned unit development within one year from the time of zoning change, or if construction and development activity shall not thereafter be of a reasonably continuous nature, the site development plan lapses under the provisions of this section.
14. Compliance with Subdivision Regulations. The City reserves the right to require the landowner to comply with any and all requirements of the subdivision regulations of the city as they now exist or as they may hereafter be amended.

## 155.452 PLANNED DEVELOPMENT SMALL LOT (PD-SL)

(A) Purpose. This district is intended to promote and facilitate the development and redevelopment of by-passed, underutilized, or abandoned properties. This district provides for the development of these properties in a manner that will contribute to the creation of high quality employment opportunities, provide for diversity of housing stock, and improve the overall economic viability of the area in the City. It is the intent of this district to:

1. Encourage flexibility in the development, redevelopment, investment and reinvestment of by-passed, underutilized and/or abandoned properties;
2. Encourage the use of innovative approaches to development that utilize sustainable development practices, and incorporate environmental performance standards;
3. Encourage a mixture of functionally related uses in close proximity of each other to promote pedestrian activity and reduce vehicle miles traveled;
4. Encourage the construction of new buildings of a compatible architectural scale to its surroundings;
5. Facilitate the development, redevelopment and use of properties in the city in close proximity to mass transit;
6. Discourage "Big Box Retail" and drive-thru facilities within this district unless these developments are specifically designed to meet the purpose and intent of this article.

(B) Active Planned Development Small Lot Developments. A list of active PD-SL developments and guidelines shall be maintained in the Planning and Economic Development Department.

(C) Standards

1. Statement of need. The statement of need shall describe the existing conditions of the general area, proposed development and how such proposed development is a benefit to the city, meets the goals and objectives of this LDC, and that the proposed development is compatible with, and not detrimental to, adjacent properties or the surrounding neighborhood(s).
2. Design guidelines. Design guidelines shall be required establishing development standards for the proposed development, including illustrations of proposed architectural, urban design, streetscape, and landscape concepts, thematic design elements such as architectural materials, building colors and landscape plans, and any proposed variation from the design standards or guidelines contained in this ordinance. The PDSL design guidelines may describe broadly based design or architectural themes and concepts, sufficient to convey an idea and general pattern of development.
  - (a) Floor area ratio calculations and ground coverage shall be provided to determine scale, density and impact of the project.
  - (b) The maximum project size shall be 10 acres. The project may contain less than five acres if off-street pedestrian and vehicular access is provide to adjacent uses and the applicant can demonstrate the inter-relationships and benefits of a PDSL District of such size.

- (c) Within the PDSL District, pedestrian movement and safety shall be given priority. Internal roadways shall be "pedestrian friendly" including the use of pavers, wide sidewalks, narrow vehicular lanes and parallel parking.
  - (d) Parking garages, loading docks, and service areas shall be directly accessible from major roadways and appropriately screened to promote a pedestrian scale and safety.
  - (e) Setbacks within the project shall be determined at the time of project review to encourage an urban pedestrian scale.
  - (f) Outdoor uses and public places shall be designed to connect various buildings and promote pedestrian activity. Active use of the public spaces is desired to encourage increasing average length of stay within the project area.
  - (g) Signage shall be at a scale and aesthetic design appropriate to the size and type of project.
  - (h) Streetscape design shall complement and be consistent with the project's architectural theme as well as the surrounding developed properties.
  - (i) A maintenance plan for all common areas including but not limited to, parking, sidewalks, public plazas, building facades and programming shall be required as part of the approval of the project.
- (D) Additional Criteria. Evaluation criteria. The Planning and Zoning Board and the City Commission shall consider at a minimum, the following goals and objectives when evaluating the proposed PD-SL District. The proposed PD-SL guidelines shall:
1. Conform to the City's Comprehensive Plan policies and land use map designations.
  2. Conform to the purpose and intent of the PD-SL District.
  3. Address the concerns outlined in the statement of need in support of the PD-SL District.
  4. Provide a land use, or combination of land uses that are arranged and designed in such a manner as to be well integrated with other land uses, the immediate surrounding area, the planned thoroughfare system, and other public facilities such as water and sewer systems, parks, schools, transit routes and utilities.
  5. Adequately, reasonably and conveniently integrate into existing and planned streets, transit systems, and public services, utilities and public facilities.
  6. Promote development that is appropriate to and well integrated with its environmental setting, including existing vegetation, soils, geology, topography and drainage patterns.
  7. Adequately justify any deviations from standard development requirements based upon the overall quality of the plan provided, the need to address specific concerns outlined in the statement of need, and the need to address other conditions that may affect the viability of reasonably developing the property in a manner consistent with stated objectives of the City's Comprehensive Plan.
  8. Provide innovative design in comparison with development reviewed under other base zoning district regulations.
  9. Be compatible with, and not detrimental to, adjacent properties or the surrounding neighborhood(s).

## 155.453 MIXED USE DEVELOPMENT (MXD)

- (A) Purpose. This district is intended to provide flexible design regulations and uses for each project to encourage innovative development and redevelopment. Mixed Use projects must have a consistent architectural theme, promote a pedestrian friendly environment and reduce traffic generation.
- (B) Active Mixed Use Developments. A list of active Mixed Use Developments and guidelines shall be maintained in the Planning and Economic Development Department.
- (C) Standards
1. A Mixed Use Development is to be designed and organized to encourage a combination of at least two uses that complement each other and assist in reducing traffic generation. No single use shall dominate a mixed use project. Single use buildings, especially "Big Box Retail" are discouraged unless the mixture of buildings is designed to encourage interaction among the proposed uses.
  2. Floor area ratio calculations and ground coverage shall be provided to determine scale, density and impact of the project.
  3. The minimum project size shall be 25 acres. The project may contain less than 25 acres if off-street pedestrian and vehicular access is provided to adjacent uses and the applicant can demonstrate the inter-relationships and benefits of a Mixed Use Development District of such size.
  4. Within the Mixed Use project, pedestrian movement and safety shall be given priority. Internal roadways shall be "pedestrian friendly" including the use of pavers, wide sidewalks, narrow vehicular lanes and parallel parking. Major parking areas shall be located to encourage walking and discourage internal vehicle trips among the various buildings and uses.
  5. Parking garages, loading docks, and service areas shall be directly accessible from major roadways and appropriately screened to promote a pedestrian scale and safety.
  6. Architectural requirements.
    - (a) A consistent architectural theme including, but not limited to, scale, colors, textures and materials shall be required.
    - (b) Setbacks within the project shall be determined at the time of project review to encourage an urban pedestrian scale.
    - (c) Setbacks to adjacent properties shall be the larger of the existing underlying zoning district or the adjacent district, whichever is larger. The design of the project shall be required to be consistent with adjacent uses and structures.
    - (d) Outdoor uses and public places shall be designed to connect various buildings and promote pedestrian activity. Active use of the public spaces is desired to encourage increasing average length of stay within the project area.
    - (e) First floor facades shall be "active" to encourage pedestrian traffic throughout the project area.
    - (f) Signage shall be at a scale and aesthetic design appropriate to the size and type of project.

- (g) Streetscape design shall compliment and be consistent with the project's architectural theme.
- 7. A maintenance plan for all common areas including but not limited to, parking, sidewalks, public plazas, building facades and programming shall be required as part of the approval of the project.

## 155.454 PLANNED COMMERCIAL DEVELOPMENT (PCD)

### (A) Purpose

1. This district is intended to provide flexible design regulations and uses for each project to encourage innovative development and redevelopment without imposing arbitrary requirements. Commercial projects must have a consistent architectural theme and promote a pedestrian friendly environment.
2. A Planned Commercial Development is to be designed and organized to encourage a combination of multiple commercial uses or tenants that complement each other. No single tenant shall dominate a planned commercial project. "Big Box Retail" buildings are discouraged unless the mixture of buildings is designed to encourage interaction among the proposed uses.

(B) Active Planned Commercial Developments. A list of active PCD developments and guidelines shall be maintained in the Planning and Economic Development Department.

### (C) Standards

1. Floor area ratio calculations and ground coverage shall be provided to determine scale, density and impact of the project.
2. The minimum project size shall be ten acres. The project may contain less than ten acres if off-street pedestrian and vehicular access is provided to adjacent uses and the applicant can demonstrate the inter-relationships and benefits of a Planned Commercial Development District of such size.
3. Within the Planned Commercial project, pedestrian movement and safety shall be given priority. Internal roadways shall be "pedestrian friendly" including the use of pavers, wide sidewalks, narrow vehicular lanes and parallel or angled parking. Major parking areas shall be located to encourage walking and discourage internal vehicle trips among the various buildings and uses.
4. Parking, loading docks, and service areas shall be directly accessible from major roadways and appropriately screened to promote a pedestrian scale and safety.
5. Architectural requirements.
  - (a) A consistent architectural theme including, but not limited to, scale, colors, textures and materials shall be required.
  - (b) Setbacks within the project shall be determined at the time of project review to encourage an urban pedestrian scale.
  - (c) Setbacks to adjacent properties shall be the larger of the existing underlying zoning district or the adjacent district, whichever is larger.
  - (d) Outdoor uses and public places shall be designed to connect various buildings and promote pedestrian activity. Active use of the public spaces is desired to encourage increasing average length of stay within the project area.
  - (e) First floor facades shall be "active" to encourage pedestrian traffic throughout the project area.
  - (f) Signage shall be at a scale and aesthetic design appropriate to the size and type of project.

- (g) Streetscape design shall complement and be consistent with the project's architectural theme.
- 6. A maintenance plan for all common areas including but not limited to, parking, sidewalks, public plazas, building facades and programming shall be required as part of the approval of the project.

## 155.455 PLANNED INDUSTRIAL DEVELOPMENT (PID)

### (A) Purpose

1. This district is intended to provide flexible design regulations and uses for each project to encourage innovative and industrial development and redevelopment without imposing arbitrary requirements.
2. A PID is to be designed and organized to encourage a combination of multiple industrial uses, compatible uses or tenants that complement each other.
3. The uses within this district shall be consistent with, but may be more restrictive than, the industrial land use plan category permitted uses. This zoning district may be applied to land designated industrial on the city's land use plan map.

(B) Active Planned Industrial Developments. A list of active PID developments and guidelines shall be maintained in the Planning and Economic Development Department.

### (C) Standards

1. A PID is to be designed and organized to encourage a combination of multiple industrial uses, compatible uses or tenants that complement each other.
2. The uses within this district shall be consistent with, but may be more restrictive than, the industrial land use plan category permitted uses. This zoning district may be applied to land designated industrial on the city's land use plan map.
3. Design guidelines shall be required establishing development standards for the proposed development, including illustrations of proposed architectural, urban design, streetscape, and landscape concepts, thematic design elements such as architectural materials, building colors and landscape plans, and any proposed variation from the design standards or guidelines contained in this section.
  - (a) Floor area ratio calculations and ground coverage shall be provided to determine scale, density and impact of the project.
  - (b) A description of the allowable uses.
  - (c) An accessibility plan showing means of ingress and egress to adjacent thoroughfares.
  - (d) Setbacks and buffer yards for the project shall be determined at the time of project review to ensure compatibility with and protection of adjacent uses.
  - (e) A uniform sign plan for the development shall be included in the design guidelines. Signage shall be at a scale and design appropriate to the size and type of project.
  - (f) A consistent architectural theme including, but not limited to, scale, colors, textures and materials shall be required. Streetscape design shall complement and be consistent with the project's architectural theme.
  - (g) A plan or design for the screening of outdoor uses.
  - (h) A maintenance plan for all common areas including but not limited to, parking, sidewalks, public plazas, building facades and programming shall be required as part of the approval of the project.
4. No building or structure, or part thereof, shall be erected or used, in whole or in part, in any manner that is obnoxious, objectionable, a nuisance or a hazard to adjoining

properties, as it relates to sound, vibrations, odors, glare, radioactive materials, smoke and particular matters.

## 155.456 HOSPITAL DISTRICT (HD)

(A) Purpose. This district is intended to promote and facilitate the development and redevelopment of hospitals within the City. This district provides for the continued growth and development of a hospital use an, associated accessory uses and additions necessitated by advances in medical technology and patient treatment as well as expansion to accommodate the healthcare needs of the region's population. It is the intent of this district to:

1. Encourage the use of innovative approaches to development that utilize sustainable development practices, and incorporate environmental performance standards;
2. Encourage a mixture of functionally related uses in close proximity of each other to promote pedestrian activity and reduce vehicle miles traveled;
3. Encourage the construction of new buildings of a compatible architectural scale to its surroundings;
4. Facilitate the development, redevelopment and use of properties in the city in close proximity to mass transit;
5. Encourage the goals and objectives within the city's Green Plan.
6. Provide for development consistent with the underlying land use.

(B) Active Hospital District Developments. A list of active HD developments and guidelines shall be maintained in the Planning and Economic Development Department.

(C) Uses

1. Permitted uses shall include:
  - (a) Hospital
  - (b) Medical lab
  - (c) Medical office
  - (d) Nursing home/hospice
  - (e) Assisted living facility
  - (f) Such other hospital related uses as may be set forth in the HD guidelines governing use of the subject property.
2. Accessory uses.
  - (a) Pharmacy
  - (b) Ambulatory/outpatient surgery
  - (c) Professional offices
  - (d) Restaurant/cafes/cafeteria
  - (e) Auditorium/assembly hall/conference center
  - (f) Retail commercial
  - (g) Plant operations
  - (h) Helipad/heliport
  - (i) Parking garage
  - (j) Rehabilitation/fitness center
  - (k) Educational
  - (l) Child care/adult day care
  - (m) Temporary parking areas and temporary parking structures

- (n) Telecommunication tower/antennas
- (o) Temporary outdoor storage
- (p) Hotel/motel
- (q) Uses incidental and customarily associated with hospital uses

(D) Standards

1. Design guidelines shall be required establishing development standards for the proposed development, including illustrations of proposed architectural, design, streetscape and landscape concepts, thematic design elements such as architectural materials, building colors and landscape plans, and any proposed variation from the design standards or guidelines contained in this section. The HD design guidelines may describe broadly based design or architectural themes and concepts, sufficient to convey an idea and general pattern of development.
  - (a) Floor area ratio calculations and ground coverage shall be provided to determine scope, density and impact of the project.
  - (b) The minimum project size shall be five acres.
  - (c) Parking garages, loading docks, and service areas shall be directly accessible from major roadways and appropriately screened to promote a pedestrian scale and safety.
  - (d) Internal roadways shall be "pedestrian friendly" and shall be easily accessible to the disabled and injured; including, but not limited to, the use of pavers, wide sidewalks. Major parking areas shall be located to encourage walking and discourage internal vehicle trips among the various buildings and uses.
  - (e) Traffic circulation shall be designed to avoid through-traffic in residential areas.
  - (f) The use of public transportation shall be promoted; Bus and / or shuttle bus stops on campus shall be provided.
  - (g) Protect and minimize any undesirable effects upon contiguous and nearby residential property.
  - (h) Provide sufficient off-street parking and loading facilities, so that the use of streets in the vicinity for this purpose will not be unavoidable.
  - (i) Provide sufficient setbacks and yard spaces adjacent to public streets and to residentially zoned property, with adequate landscaping in those yard and setback areas, in order to protect the appearance and character of the neighborhood.
  - (j) Provide sufficient walls, fences, enclosures, or hedges to prevent or minimize effects of noise, glare, odors, smoke, and soot, upon surrounding residential property.
  - (k) Reserved parking shall be considered upon review and approval of the Planning and Zoning Board.
2. Site plan requirements.
  - (a) Setbacks within the project shall be determined at the time of project review.
  - (b) Inventory of existing facilities and services.
  - (c) Projected expansion plans for new construction and / or substantial rehabilitation of existing facilities indicating the type, size and location of each facility.
  - (d) A master sign plan shall conform to the requirements set forth in Article 6 of the Land Development Code. Signage shall be at a scale and aesthetic design appropriate to the size and type of project.

- (e) A maintenance plan for all common areas including but not limited to, parking, sidewalks, public areas, building facades, landscaped areas and programming shall be required as part of the approval of the project.
  - (f) An aesthetically pleasing architectural theme, including but not limited to scale, colors, textures, materials and the use of landscaping.
  - (g) Outdoor uses and public places shall be designed to connect various buildings and promote pedestrian activity.
  - (h) Landscape design shall complement and be consistent with the project's architectural theme.
3. Parking structures. Parking structures are also subject to the following additional requirements:
- (a) Parking structure height should be less than the principal structure.
  - (b) Parking structure shall be designed to have a decorative appearance consistent with the overall architectural composition of the development, by providing unified design elements with the main buildings through the use of similar materials and color, vertical and horizontal elements, and architectural style. Such architectural composition shall incorporate any number of the following: detail and embellishments; louvres or screening; color and material banding; use of decorative metal grates; cornices; planters; or vines.
  - (c) Architectural features shall be incorporated into the facade to mitigate the mass and bulk of the building.
  - (d) Decorative architectural elements on the ground floor level shall be designed to accommodate the pedestrian scale.
  - (e) Parking levels above the ground floor shall maintain the same vertical and horizontal articulation or rhythm and incremental appearance established on the ground floor.
  - (f) Ramps shall be visually screened from streets and oriented towards the interior of the lot where possible within the development. Ramp profiles shall be hidden on the exterior elevations.
  - (g) Roof top parking shall be visually screened with articulated parapet walls and/or other architectural treatments or landscaping.
  - (h) Exterior lighting fixtures shall provide cut-off shielding in order to eliminate glare and spillage onto adjacent properties and roadways.
  - (i) The openings of the garage shall be designed in a manner that obscures parked vehicles when possible.
  - (j) Parking structures abutting any residential property shall utilize noise abating materials.
  - (k) Compact parking spaces may be provided at a maximum of 20% of the total required parking spaces. All compact parking spaces shall be clearly marked with the word "compact" either on the wheel stop or curb, or on the pavement at the opening of the space. Compact parking spaces shall be reasonably dispersed throughout the parking area.
4. Temporary surface parking lots, provided that the primary purpose of temporary surface parking lots is to serve employees of the Hospital facilities and accessory uses through approval by the Planning and Zoning Board.
5. Evaluation criteria. The Planning and Zoning Board and the City Commission shall consider, at a minimum, the following goals and objectives when evaluating the proposed Hospital District. The proposed HD guidelines shall:

- (a) Conform to the purpose and intent of the Hospital District.
- (b) Provide a land use, or combination of land uses that are arranged and designed in such a manner as to be well integrated with other land uses, the immediate surrounding area, the planned thoroughfare system, and other public facilities such as water and sewer systems, parks, schools, transit routes and utilities.
- (c) Adequately, reasonably and conveniently integrate into existing and planned streets, transit systems, and public services, utilities and public facilities.
- (d) Provide sustainable design elements in comparison with traditional development reviewed under other base zoning district regulations.
- (e) Be compatible with, and not detrimental to, adjacent properties or the surrounding neighborhood(s).

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# ARTICLE 5 USE REGULATIONS

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## 155.500 OVERVIEW OF USE REGULATIONS

**General Purpose.** The purpose of this section is to authorize the establishment and continuation of land uses that are allowed as a primary use of a parcel of land and consistent with the Comprehensive Plan. The article identifies the zoning districts in which the various primary uses are allowed, identifies if any special processes might be required for the use, and establishes any use standards that might be applicable to the various primary uses. Before utilizing this Article to confirm if a use is allowed within a specific zoning district, it must first be determined if the zoning district designation of the subject site is consistent with the site's Future Land Use Designation as depicted on the Future Land Use Map of the City's Comprehensive Plan.

### 155.501 PERMITTED USE TABLE

#### (A) Permitted Use Table

1. Organization
  - (a) Use Classification. Use classifications are very broad and general categories such as Residential, Commercial or Industrial.
  - (b) Use Categories. Use categories represent major subgroups of the use classifications that have common functional, product, or physical characteristics such as educational facilities, food and beverage service, animal related or manufacturing and production.
  - (c) Use Types. Use types identify specific primary land uses whose characteristics are considered to fall within the various use categories such as high school or daycare in the educational facilities use category.
2. Designation of Primary Uses in Permitted Use Table. The Permitted Use Table utilizes the following designations and abbreviations:
  - (a) Permitted "P" – Indicates the use type is allowed in the zoning district.
  - (b) Permitted / Specific Use Regulations for more information "P/S" – Indicates the use type is allowed but specific use regulations must be followed for the use to be allowed.
  - (c) Accessory "A" – Indicates the use type is allowed in the zoning district accessory or incidental to a permitted use.
  - (d) Accessory / Specific Use Regulations for more information "A/S" – Indicates the use type is allowed as an accessory use but specific use regulations must be followed for the use to be allowed as an accessory use.
  - (e) Special Exception "SE" – Indicates the use type is only allowed in the zoning district through the special exception process of Section 155.301(M).
  - (f) Not Permitted "blank" – Indicates the use type is not allowed in the zoning district.
3. Uses not listed in the Permitted Use Table. Uses not specifically listed shall be subject to the following regulations:
  - (a) The Planning and Economic Development Department shall consider the compatibility of the proposed use when determining the designated use category or use type. Upon review, the Director may determine if the use is either permitted or not permitted as well as any specific use regulations. When making such determination, the Director shall consider the character and compatibility of the proposed use as well as the potential impacts including but not limited to how the use will affect the overall health, safety and welfare of surrounding community.

(b) The applicant may seek an interpretation of the Planning and Economic Development Department Director's determination to the City's Planning and Zoning Board outlined in 155.301(L).

Table 155.501: City of Pembroke Pines – Permitted Uses Table - All Zoning Districts																									
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Use Category	Use Type	Agricultural, Community, and Recreational Districts						Residential Districts									Business Districts					Industrial Districts			Specific Use
		A	U	A-E	R-R	CF	REC	R-E	R-1A	R-1B	R-1C	R-1Z	R-MH	R-2	R-TH	R-MF	B-1	B-2	B-3	C-1	PO	I-L	I-M	I-H	
<b>Residential</b>																									
Residences	Single-Family Detached	P	P	P	P			P	P	P	P	P	P	P		P									
	Two-Family Attached													P		P									
	Townhouse														P	P									
	Multi-Family															P									
	Accessory Dwelling Units	A/S						A/S	A/S	A/S	A/S					A/S								155.621(A)1(g)	
Group Living	Special Residential 1	P	P	P	P	P		P	P	P	P	P	P	P	P										
	Special Residential 2 and 3															P									
	Rooming and Boarding															P									
Other	Family Daycare Homes	P/S	P/S	P/S	P/S			P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S									118.15	
	Home Based Businesses	P/S	P/S	P/S	P/S			P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S									120.02	
<b>Community Facilities / Government / Institutional</b>																									
Community or Cultural Facilities	Non-Profit facility Educational / Recreational Center							P	P	P	P		P	P											
	Philanthropic Institution	P	P	P	P		P																		

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	Public Library / Museum / Gallery	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		P	P	P		P	P	P	
	Public Recreation Facilities and Parks	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		P	P	P		P	P	P	
Educational Facilities	Adult or Continuing Education Schools					P												P	P	P		P	P	P	
	Child Care (Home Daycare)	P/S	P/S	P/S	P/S			P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S										118.15 -118.20
	College or University	P	P	P	P	P												P	P	P		P	P	P	
	Elementary / Middle / High School	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	155.526
	Specialized Education					P												P	P	P		P	P	P	
Government	Library	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
	Government Buildings	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
	Park and Recreational Facilities (Public) Both indoor and outdoor facilities	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
	Public Services Buildings	P	P	P	P	P	P										P	P	P	P	P	P	P	P	
Religious Assembly	Religious Institution, House of Worship	P	P	P	P	P	P	P	P/S	P/S	P/S	P	P	P	P	P	P	P	P	P	P	P	P	P	155.524
<b>Commercial</b>																									
Age Restricted	Adult Entertainment																	P/S	P/S	P/S		P/S	P/S	P/S	155.503
	Pawn Shop																			P/S		P/S	P/S	P/S	155.521
	Tattoo Parlor																			P/S		P/S	P/S	P/S	155.531

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Automotive, Boats, Equipment and Vehicle Sales and Service	Automotive and Vehicle Dealership																			P/S	P/S		P/S	P/S	P/S	155.505	
	Automotive Parts and Accessories																	P	P	P	P		P	P	P		
	Auto Repair, Minor																			P	P		P	P	P		
	Auto Repair, Major																			A	P		P	P	P		
	Boat Sales																			P	P		P	P	P		
	Boat Building, Storage, Service and Repair																				P/S		P/S	P/S	P/S	155.506	
	Car Gallery																				SE	SE		SE	SE	SE	155.505
	Car Wash, Accessory Automatic																				A/S	A/S		A/S	A/S	A/S	155.508
	Car Wash, Attended Automated																				A/S	A/S		A/S	A/S	A/S	155.508
	Car Wash, Manual																				A/S	A/S		A/S	A/S	A/S	155.508
	Car Wash, Self Service																				A/S	A/S		A/S	A/S	A/S	155.508
	Construction Equipment Sales																				SE	P		P	P	P	
	Motorcycle Sales																				P	P		P	P	P	
	Service Stations																				P/S	P/S		P/S	P/S	P/S	155.528
	Small Engine Service and Repair																				P	P	P	P	P	P	
Vehicle Rentals																				SE	SE		SE	SE	SE	155.530	
Animal Related	Animal Cemetery																					P/S	P/S	P/S	155.514		
	Animal Hospital, Veterinary Clinic	P	P	P	P															P	P	P	P	P	P		

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	Kennel, Animal Boarding	P	P																	P		P	P	P		
	Pet Grooming, Sales, and Supply																		P	P	P		P	P	P	
	Pet Hotels, Dog Daycare																			P/S	P/S		P/S	P/S	P/S	155.522
Office and Professional Services	Business and Professional Offices																		P	P	P	P	P	P	P	
	Call Center																		P	P	P	P	P	P	P	
	Employment Office																		P	P	P	P	P	P	P	
	Government Office, Public Utility Office																		P	P	P	P	P	P	P	
	Parcel, Packaging or Postal Facility																		P	P	P		P	P	P	
	Printing and Copying																		P	P	P		P	P	P	
Daycare	Adult Daycare																		P	P	P	P	P	P	P	
	Child Care Center																	P/S	P/S	P/S	P/S		P/S	P/S	P/S	155.509
Financial Services	Banks, Credit Unions																		P	P	P	P	P	P	P	
	Check Cashing																		P	P	P		P	P	P	
	Financial Institutions																		P	P	P	P	P	P	P	
	Investment Firms / Stockbrokers																P	P	P	P	P	P	P	P	P	
Food and Beverage Service	Bakery																	P	P	P	P		P	P	P	
	Banquet Hall																		P	P	P		P	P	P	
	Bar, Tavern																		P	P	P		P	P	P	
	Food Production																		P	P	P		P	P	P	

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Food and Beverage	Microbreweries, Microwineries, Brewpubs																						SE	SE	SE	155.517	
	Mobile Food Vendors																		A/S	A/S	A/S		A/S	A/S	A/S	155.518	
	Nightclub																						P	P	P		
	Outdoor Dining																		A/S	A/S	A/S	A/S		A/S	A/S	A/S	155.519
	Restaurant																		P	P	P	P		P	P	P	
	Restaurant, Take Out																		P	P	P	P		P	P	P	
	Restaurant, Drive-Thru																			P	P	P		P	P	P	
	Restaurant, Food Hall																			P	P	P		P	P	P	
Health Care Related; Medical Office	Detoxification, Treatment and Recovery Centers						P																P	P	P		
	Hospital	P	P	P	P	P	P																				
	Medical Office, General																		P	P	P	P	P	P	P		
	Medical Office, Specialized																		P	P	P	P	P	P	P		
	Medical and Dental Labs																			P	P	P	P	P	P	P	
	Medical Research																					P	P	P	P		
	Physical Therapy and Rehab Centers																			P	P	P	P	P	P	P	
	Surgical Centers, Outpatient																			P	P	P	P	P	P	P	
	Urgent Care																			P	P	P		P	P	P	
	Wellness Center																			P	P	P	P	P	P	P	

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	Freestanding Emergency Facility	P				P													P	P	P	P	P	P		
Lodging, Visitor Accommodations	Hotel, Full Service															SE		P/S	P/S	P/S	P/S	P/S	P/S	P/S	155.513	
	Hotel, Limited Service															SE		P/S	P/S	P/S	P/S	P/S	P/S	P/S	155.513	
	Hotel, Extended Stay															SE		P/S	P/S	P/S	P/S	P/S	P/S	P/S	155.513	
	Motel															SE		P/S	P/S	P/S	P/S	P/S	P/S	P/S	155.513	
Personal Services	Body Art Studios																	P/S	P/S	P/S		P/S	P/S	P/S	155.507	
	Barber, Beauty Parlor, Salon																P	P	P	P		P	P	P		
	Day Spa																	P	P	P		P	P	P		
	Dry Cleaners																	P/S	P/S	P/S		P/S	P/S	P/S	155.511	
	Dry Cleaners Pick-Up Only																P	P	P	P		P	P	P		
	Funeral Home, Mortuary																	P	P	P		P	P	P		
	Locksmith																		P	P		P	P	P		
	Massage Services																		P	P	P		P	P	P	
	Nail Salon																P	P	P	P		P	P	P		
	Self-Service Laundry, Laundromat																P/S	P/S	P/S	P/S		P/S	P/S	P/S	155.527	
Tailor, Alterations																P	P	P	P		P	P	P			
Recreation and Entertainment	Amusement Center, Arcades						P											P	P	P		P	P	P		
	Aquarium						P											P	P	P		P	P	P		
	Assembly Hall (Non-Religious)																	P	P	P		P	P	P		
	Billiards or Pool Hall						P											P	P	P		P	P	P		
	Bowling Alley						P											P	P	P		P	P	P		

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Recreation	Go-Cart Track, No Racing						P/S																		155.523	
	Golf Course	P	P	P	P		P	P	P	P	P	P	P	P	P											
	Golf Course, Miniature	P	P	P	P		P												P	P		P	P	P		
	Golf Driving Range						P												P	P		P	P	P		
	Gun Range, Indoor						P															P	P	P		
	Gun Range, Outdoor						P															P/S	P/S	P/S	155.514	
	Gym or Fitness Center																		P	P	P		P	P	P	
	Gym, Specialized																		P	P	P		P	P	P	
	Mechanical Riding Devices						P/S																			155.523
	Movie Theatre, Inline																		P	P	P		P	P	P	
	Movie Theatre, Free Standing																		P	P	P		P	P	P	
	Museum or Art Gallery	P	P	P	P		P												P	P	P		P	P	P	
	Parks, Recreational Facilities (Private)	P	P	P	P		P												P	P	P		P	P	P	
	Racetrack – Auto, Motorcycle, or Horse						P/S																P/S	P/S	P/S	155.514, 155.523
	Skating Rink																			P	P		P	P	P	
	Sports Stadium, Amphitheatre, or Arena						P/S													P	P		P	P	P	155.523
Theatre or Music Hall																		P	P	P		P	P	P		
Retail	Alcohol Sales																	P/S	P/S	P/S		P/S	P/S	P/S	155.504	
	Antiques																P	P	P	P		P	P	P		
	Apparel and Clothing																P	P	P	P		P	P	P		
	Bait and Tackle																	P	P	P		P	P	P		

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	Books, Cards, Stationary, Gift																	P	P	P	P		P	P	P	
	Convenience Store																	P	P	P	P		P	P	P	
	Department Store																		P	P	P		P	P	P	
	Drug Store or Pharmacy																	P	P	P	P		P	P	P	
	Electronics Sales, Supply and Service																	P	P	P	P		P	P	P	
	Farmers Market																	P	P	P	P		P	P	P	
	Farm Supply and Equipment																			SE	P		P	P	P	
	Florist																	P	P	P	P		P	P	P	
	Furniture for Home and Office																	P	P	P	P		P	P	P	
	Garden Supply																	P	P	P	P		P	P	P	
	Grocery and Food Supply																	P	P	P	P		P	P	P	
	Hardware																	P	P	P	P		P	P	P	
	Hobby Supply, Craft																	P	P	P	P		P	P	P	
	Home Appliance Sales and Service																	P	P	P	P		P	P	P	
	Home Improvement Centers																			P	P		P	P	P	
	Jewelry, Shoe and Accessory Repair																	P	P	P	P		P	P	P	
	Lumber Yard																				P		P	P	P	
Machinery Sales																						P	P	P		

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	Meat, Poultry, Fish, Seafood Sales																	P	P	P	P		P	P	P			
	Optical, Eyeglasses																		P	P	P	P		P	P	P		
	Outdoor Display and Sales																		A/S	A/S	A/S	A/S					155.520	
	Plumbing and Electrical Fixtures																			P	P	P		P	P	P		
	Regional Shopping Malls																				P/S	P/S		P/S	P/S	P/S	155.645 – 155.649	
	Restaurant and Hotel Supplies																				P		P	P	P			
	Sporting Goods																		P	P	P	P		P	P	P		
	Swimming Pool Supplies and Equipment																				P	P	P		P	P	P	
	Thrift Store or Secondhand or Consignment																				P	P	P		P	P	P	
Other	Auction																			P	P		P	P	P			
	Art and Photography Studios																			P	P	P		P	P	P		
	Business, Commercial Schools																			P	P	P		P	P	P		
	Dance Studio																			P	P	P		P	P	P		
	Instructional Services																		P	P	P	P		P	P	P		
	Martial Arts Studio																			P	P	P		P	P	P		
Performing Arts Schools																			P	P	P		P	P	P			

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	Place of Assembly																								
	Private Club, Lodge, Nonprofit	P	P	P	P													P	P	P		P	P	P	
	Seasonal Outdoor Storage																	P/S	P/S	P/S		P/S	P/S	P/S	
	Self-Storage																			P		P	P	P	
	Swim School																	P	P	P		P	P	P	
	Trade and Vocational Schools																	P	P	P		P	P	P	
<b>Industrial</b>																									
Animal Related	Abattoir or Slaughterhouse																						SE		
	Circus Quarters, Animal Refuge																				P/S	P/S	P/S		
	Livery Stable, Riding Academy																				P	P	P		
	Livestock Auction and Sales																						SE		
	Livestock Supply																		SE	P		P	P	P	
	Rendering Plant																						SE		
	Tanning, Curing, or Storage of Raw Hides, except as incidental to taxidermy																						SE		

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Communications	Audio, Photography, and Film Production Studio																		P	P					
	Broadcast, Radio and Television Studio																	P	P	P		P	P	P	
	Telecommunication Tower - Guyed																					SE	SE	SE	
	Telecommunication Tower - Lattice																				SE		SE	SE	
	Telecommunication Tower - Monopole	P/S	P/S	P/S	P/S	P/S	P/S									SE	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S	
	Telecommunication Tower - Stealth	P/S	P/S	P/S	P/S	P/S	P/S								P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S	
Food and Beverage Production and Processing	Brewery / Distillery																					P/S	P/S	P/S	
	Food Catering																					P	P	P	
	Food and Bakery Products																					P	P	P	
	Meat and Fish Products, no slaughtering																					P	P	P	
	Nonalcoholic Beverage Production and Bottling																					P	P	P	
	Starch, Glucose, Dextrin																					P	P	P	
	Vegetable Oil Production																						P	P	
Asphalt paving plant																							P		

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Use Category	Use Type	Agricultural, Community, and Recreational Districts						Residential Districts									Business Districts					Industrial Districts			Specific Use				
		A	U	A-E	R-R	CF	REC	R-E	R-1A	R-1B	R-1C	R-1Z	R-MH	R-2	R-TH	R-MF	B-1	B-2	B-3	C-1	PO	I-L	I-M	I-H					
Industrial Services	Building Material Sales / Lumber Yard																				P		P	P	P				
	Carpet and Rug Cleaning																					P		P	P	P			
	Cleaning and Dyeing																					P		P	P	P			
	Contracting Service Yards – Building/AC/Plumbing																							P	P	P			
	Dry Cleaning Plant																							P	P	P			
	Extermination/ Pest Control Business																							P	P	P			
	Fuel Oil, Petroleum and Bottled Gas Distribution and Storage																							P	P	P			
	Linen or Uniform Services																						P		P	P	P		
	Lithography, Engraving																							P		P	P	P	
	Machine Shop																								P	P	P		
	Metalworking, Welding, various pipe fitting																								P	P	P		
	Miscellaneous Repair Shops																							P		P	P	P	
	Oil reclamation																										P		
	Painting and varnishing																								P	P	P		

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	Printing, Bookbinding or Copying Facility																				P		P	P	P		
	Stone Cutting																						P	P	P		
	Septic Tank service																							P	P		
	Tire recapping and vulcanizing																					P		P	P	P	
Manufacturing and Production	Abrasive Products																									P	
	Acids, except hydrochloric, nitric, picric, sulphurous, or sulphuric acid																						P	P	P		
	Acids, including hydrochloric, nitric, picric, sulphurous, or sulphuric acid																										SE
	Alkaline Products																										SE
	Ammonia, Chlorine, or Bleaching Powder																										SE
	Animal or Fish Oil																										SE
	Asphalt Manufacturing																										SE
	Assembly of Electrical Equipment and Appliances																							P	P	P	
	Assembly and treatment of Products including but not limited to Previously Prepared Materials																							P	P	P	
Auto Accessories, except Tires																							P	P	P		

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	Auto Accessories, including Tires																							SE	
	Automatic Screw Machines																					P	P	P	
	Automobile Assembly Plant																						P	P	
	Boat Building and Repair																						P	P	P
	Box, cardboard, and the like																						P	P	P
	Building Materials Manufacturing brick, tile, concrete, glass, lumber, rock, stone, sash and doors																						P	P	P
	Carbon																						P	P	P
	Carpentry																				P		P	P	P
	Celluloid Materials																						P	P	P
	Cement, Lime, Gypsum, or Plaster of Paris																								SE
	Chemical																								SE
	Cleaning Products																							P	P
	Concrete Products, Batching and Mixing Plant				P	P																		P	P
	Cosmetics, Perfumes, Toiletries, Soap																							P	P

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	Cotton																						P	P			
	Die Casting																						P	P	P		
	Disinfectant and Insecticide																						P	P	P		
	Drugs and Pharmaceuticals																						P	P	P		
	Dry Ice																							P	P		
	Fertilizer Compounding																								SE		
	Fertilizer Compounding from nonodorous materials																							P	P		
	Foundry																								P		
	Furniture, Cabinet and Upholstery																							P	P		
	Glue or Gelatin Manufacturing																								SE		
	Gunpowder, Fireworks, or Explosives																								SE		
	Ice																						P	P	P		
	Mattress																						P	P	P		
	Metal and Can Production; Buffing, Plating, Polishing																							P	P		
	Milling																							P	P		
	Oil Compounding																							P	P		
	Paper																								SE		
Petroleum																								SE			

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	Plastic																					P	P	P			
	Poison																								P		
	Potash																								P		
	Pottery and Ceramic Products																						P	P	P		
	Pyroxylin																								P		
	Rubber																								SE		
	Salt Works																							P	P		
	Sign Printing																			P	P	P		P	P	P	
	Sign Shop / Manufacturing																					P/S		P/S	P/S	P/S	155.529
	Slag Crushing																									P	
	Steel																									SE	
	Stock Yards or Feeding Pens																									SE	
	Sugar Refining																									SE	
	Tobacco																							P	P		
	Toys, Novelties, and the like																							P	P	P	
	Textile including canvas, cloth, carpet, rope																							P	P	P	
	Wood, Veneer, and the like, except sawmill																								P	P	
Wood, Veneer, and the like, including sawmill																									P		
Wool Pulling / Scouring																									P		

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Research and Development	Data Centers – Processing, Hosting, and Related	P	P	P	P														P	P	P	P	P	P	
	Educational, Scientific or Industrial Research and Development Laboratory		P	P	P																	P	P	P	
Storage and Warehousing	Bulk Outdoor Storage of Materials (as a primary use)																					P	P	P	
	Poisonous Gases																							SE	
	Tank Storage of Oil and Gasoline																					P/S	P/S	P/S	155.514
	Vehicle Towing and Storage																				P	P	P	P	
	Open-Air Storage of Vehicles																				P	P	P	P	
	Warehouse and Distribution																			P	P	P	P		
Wholesale and Distribution	Agriculture Products / Grain Storage and Processing																				P	P	P	P	
	Cold Storage, Ice																				P	P	P	P	
	Crating, Packing and Shipping Services																				P	P	P	P	
	Parcel Delivery Service																		SE	P	P	P	P	P	
	Fruit Packing and Shipping																			P	P	P	P		

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	Wholesale, Distribution																			P		P	P	P	
	Wholesale Seafood																			P		P	P	P	
Waste and Salvage (Waste Management)	Building and Construction Debris																							P	
	Junkyards																							P/S	155.515
	Materials and Resource Recovery, Recycling and Composting				P/S																			P	155.525
	Solid Waste Transfer Station				P																			P	
<b>Other</b>																									
Misc.	Airport	P	P	P	P																	P	P	P	
	Auction, Vehicle																						P	P	
	Blast Furnace																							SE	
	Blooming Mill																							SE	
	Bone Distillation																							SE	
	Carnival, Circus	P	P	P	P		P															P/S	P/S	SE	155.514
	Cemetery, Mausoleum	P	P	P	P	P	P															P	P	P	
	Coke Oven																							SE	
	Correctional or Penal Institution	P	P	P	P	P																P/S	P/S	P/S	155.514
	Crematory	P	P	P	P		P															P	P	P	

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	Crushing, Screening and Processing of Mined or Excavated Materials			P																						
	Distillation of Coal, Tar, Petroleum of Mined or Excavated Materials																							SE		
	Dredging Base																					P	P			
	Drop Forge																							SE		
	Freight Terminal / Depot / Truck Terminal	P	P	P	P		P															P/S	P/S	P/S	155.514	
	Incineration, Reduction, or Storage of Garbage, Offal, Dead Animal Refuse, and Rancid Fats																								SE	
	Industrial cleaning of materials																								P	
	Radium Extraction																									SE
	Rolling Mill																									SE
	Sand, Gravel, Rock, Quarry or other natural material extraction			P																						
	Smelting or Refining Ores																									SE
Utilities	Electric Utility Yard	P	P	P	P		P													P		P	P	P		

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	Electrical Substations, Transformer and Switching Station	P	P	P	P		P	P	P	P	P	P	P	P	P	P				P		P	P	P	
	Gas Regulator Station		P																	P		P	P	P	
	Water and Wastewater Lift and Pumping Stations and Facilities	P	P	P	P		P	P	P	P	P	P	P	P	P	P				P		P	P	P	
<b>Agriculture</b>																									
Accessory Agriculture	Bee Keeping	P	P	P	P		P																		
	Botanical Garden	P	P	P	P		P																		
	Crop Raising	P	P	P	P		P																		
	Domesticated Livestock and Poultry	P/S	P/S	P/S	P/S		P/S																		155.510
	Floriculture	P	P	P	P		P																		
	Forestry	P	P	P	P		P																		
	Greenhouse	P	P	P	P		P																		
	Grove	P	P	P	P		P																		
	Horticultural Farming	P	P	P	P		P																		
	Hydroponic Garden	P	P	P	P		P																		
	Nursery	P	P	P	P		P																		
	Produce Farm	P	P	P	P		P																		
	Raising of Fish	P	P	P	P		P																		
	Slat house	P	P	P	P		P																		
	Sod Farm	P	P	P	P		P																		
Truck Garden	P	P	P	P		P																			

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	Wayside Stands for display or sale of farm products produced on the premises	P	P	P	P		P																		
<b>Prohibited Uses</b>																									
Various	Medical Marijuana Dispensing Facility																							155.516	

## SPECIFIC USE REGULATIONS

### 155.502 PROVISIONS NOT RETROACTIVE

The provisions for this section shall not be construed to be retroactive, and any existing designated use which conformed to the regulations in effect when that designated use was established shall not be rendered illegal or in violation through the adoption of this LDC or amendments to this LDC, so long as a local business tax receipt previously issued for that use remains in full force and effect and is renewed in a timely manner.

### 155.503 ADULT ENTERTAINMENT

(A) Adult entertainment establishments shall be subject to the following standards and regulations:

1. Location near religious institutions, schools, residential districts and establishments where alcoholic beverages are sold or consumed.
  - (a) In the development, enforcement, and amendment of this LDC, it is recognized that there are uses and accessory uses which, because of their very nature, are recognized as having serious objectionable characteristics, particularly when several of them are concentrated in any given location, thereby having a deleterious effect upon adjacent business and residential areas. Specific regulation of these uses is necessary to ensure that these adverse effects will not contribute to the blighting and downgrading of the surrounding neighborhood.
  - (b) Adult entertainment uses shall be located nearer than 1,000 feet to the same or any other designated use, an establishment at which alcoholic beverages are sold or consumed, or to any religious institutions, or public, private, or parochial kindergarten, nursery, elementary, middle, or high school, or day care center. Measurement of 1,000 feet shall be made in accordance with subsection (d) of this section.
  - (c) It shall be unlawful hereafter to establish any designated use within the corporate limits of the city if the proposed location is within 500 feet of a residentially zoned district. This prohibition shall be waived upon presentment to the Planning and Zoning Board of a written petition requesting the waiver, signed by 51% of all those persons owning real property, residing or operating or managing a business within 500 feet of the proposed location of the designated use.
    - i. The circulator of the petition requesting a waiver shall subscribe and swear to an affidavit attached to the petition that the circulator personally witnessed that the signatures were affixed to the petition by the persons whose names appear in the petition. The petition shall bear at the top of each page thereof a typewritten title in substantially the following form. "The undersigned hereby request a waiver from the Planning and Zoning Board of Pembroke Pines, Florida, that shall permit the establishment and location of a (an) (state specifically which designated use is sought to be established) within 500 feet of my real property, residence, or business."

- ii. The Planning and Zoning Board shall investigate the petition and signatures on the petition to verify that the petitioners do in fact own real property, or reside or do business in a residentially zoned district within 500 feet of the proposed designated use. Measurement of the 500 feet shall be made in accordance with division (d) of this section.
- (d) For the purposes of this subsection, a designated use or proposed designated use shall be deemed to be within 1,000 feet or 500 feet of another designated use or an establishment at which alcoholic beverages are sold or consumed, religious institutions, school, real property, residence, business, or residentially zoned district, respectively, as defined or described herein, if any part of the building in which, or lot of land upon which, a designated use is located, is within 1,000 feet or 500 feet, as measured by an actual or imaginary straight line upon the ground or in the air, of any part of the building in which, or lot of land upon which, another designated use or an establishment at which alcoholic beverages are sold or consumed, a religious institutions, school, real property, residence, business, or residentially zoned district respectively, is located.
- (e) Where a designated use is located in conformity with the provisions of this Article, the subsequent locating of an establishment which sells or permits the consumption of alcoholic beverages on premises, a religious institutions or school within 1,000 feet, or a residentially zoned district within 500 feet of the existing designated use shall not be construed to cause the designated use to be in violation of this Article.

## 155.504 ALCOHOLIC BEVERAGE ESTABLISHMENTS

- (A) Scope of regulations. The following regulations shall apply to the location, design, construction, operation, and maintenance of all places or establishments where alcoholic beverages are sold or dispensed, and shall be in addition to other requirements or limitations of this LDC. Cross-reference: Alcoholic beverages, sale and licensing regulations, see Ch. 110.
- (B) Locations near day care, religious institutions, and schools
  1. Establishments for the sale of alcoholic beverages shall be located not nearer to any day care, religious institutions, public, private, or parochial, elementary, middle, or high school, than 200 feet airline measurement; measurements being between the nearest entrance to the alcoholic beverage establishment and the nearest entrance to the day care, religious institutions, public, private, or parochial, elementary, middle, or high school. However, the aforesaid separation requirement shall not apply to:
    - (a) An establishment incidental to and within a portion of a building used for a restaurant or a restaurant bar.
    - (b) An establishment incidental to and within a portion of a building used as a hotel bar.
    - (c) An establishment incidental to and within a bona fide nonprofit private club where only members and their guests are served.
  2. Where an establishment for the sale of alcoholic beverages is located in conformity with the provisions of this LDC, the subsequent locating of a day care, religious institutions or school in the proximity of that existing establishment shall not be construed to cause that establishment to be in violation of this LDC.

- (C) Beer and wine package stores. There shall be no separation requirement or limitation applicable to the location of places for the sales of beer or wine for consumption off the premises.

## 155.505 AUTOMOTIVE AND VEHICLE DEALERSHIPS

- (A) Automotive and vehicle dealerships shall be subject to the following standards and regulations:

1. New or used automobile lease and/or sales providing the use is located on a minimum lot size of 10 acres.
2. All automobile dealerships must include an enclosed showroom.
3. No temporary signs, banners, or pennants will be allowed except as expressly approved on the site plan.
4. No signs on or within automobiles shall be visible from any public street.
5. Customer and employee parking areas shall be shown on the site plan. No vehicles for sale may be located within these areas.
6. Accessory automatic car wash.
7. Accessory manual car wash/detail.
8. All repair facilities and collision centers must be fully enclosed.
9. No elevated vehicle display(s) for sales of vehicles.
10. Elevated storage of vehicles shall be located to minimize visibility from street frontages and adjacent properties.

- (B) Car galleries shall be subject to the following standards and regulations:

1. Direct to consumer sale or lease of new automobiles.
2. Car galleries must be located within a shopping center with a minimum size of 10 acres.
3. Car galleries must be located within a fully enclosed building.
4. Car galleries must provide a minimum floor area of 2,000 square feet and shall not exceed a maximum of 5,000 square feet.
5. No more than 3 vehicles may be displayed within the fully enclosed building.
6. No more than 2 vehicles may be located exterior to the fully enclosed building for test driving purposes only. No inventory may be kept on site.
7. No automobile delivery or preparation shall be conducted on site.
8. Car galleries shall not be affiliated with on-site automobile repair services.
9. No temporary signs, banners, pennants, signs on or within automobiles are permitted.
10. A site plan, or site plan amendment, describing with particularity the storage areas for the exterior vehicles and test drive route, must be submitted to the Planning and Zoning Board for review and decision in accordance with Article 3 of this code. Parking for exterior vehicles shall count towards the required parking for the center. The Planning and Zoning Board must determine that the location of the exterior vehicles and the test drive route does not interfere or impede the use of the parking lot for the customers, employees or owners of the other businesses in the center or impede traffic on adjacent roadways.

## 155.506 BOAT BUILDING, STORAGE, SERVICE AND REPAIR

(A) Boat building storage, service and repair shall be subject to the following standards and regulations:

1. Building, storage, service and repair of boats provided the use is located at least 100 feet from any residentially zoned property, except where that property is zoned Agricultural (A).

## 155.507 BODY ART STUDIOS

(A) Body art studios which provide tattooing services as defined in F.S. § 381.00771, as amended from time to time, will be subject to the following limitations:

1. Uses permitted. Body art studios are permitted as an accessory use to a personal care service or medical and health care facility subject to the following conditions:
  - (a) Body art studios shall be required to have a separate room for the purpose of tattooing. Each room shall be limited to one customer chair and shall be apart from the waiting room and the public. The room(s) shall not be visible to the general public.
  - (b) Body art studios are limited to operating between 8:00 a.m. and 10:00 p.m.
  - (c) All services shall be by appointment only.
  - (d) No exterior signage specifically for tattooing or related activities.
2. Licenses, permits and inspections.
  - (a) No person shall operate a body art studio or engage in the practice or business of body art unless the person has first secured the required permits and licenses from the City, Florida Department of Health, Broward County and other applicable governmental or non-governmental entities.
  - (b) The City may conduct on-site inspections of any body art studio for the purpose of determining whether or not said establishment and the person(s) performing the practice of body art therein are in compliance with all applicable health provisions, codes and ordinances.

## 155.508 CAR WASHES

Car washes shall be subject to the following standards and regulations:

- (A) Car washes. All car washes shall be reviewed by the Planning & Zoning Board through the City's development review procedures.
- (B) Self-service car wash. A structure where equipment and/or facilities are provided for the self-service application of cleaner, rinse water, waxes or polishes and other vehicle treatments to automobiles and other motor vehicles.

1. Equipment. No equipment shall be permitted except as necessary to permit self-service car-washing, drying, vacuuming directly and solely by the customer. All equipment shall be within an enclosed portion of the building except that vacuuming facilities may be outside the building where the subject property is located at least 500 feet from any residentially zoned or used property.
  2. Parking.
    - (a) A minimum of three off-street storage (stacking) spaces shall be provided at both the entrance and exit of each wash bay.
    - (b) A minimum of one off-street parking spaces shall be provided per vacuum cleaning unit, not including exiting stacking spaces.
  3. General design standards.
    - (a) No tunnel entrance or exit of a car wash operation shall face an adjacent residentially used or zoned property, not including those across an intervening right-of-way or street.
- (C) Accessory automatic car wash. An accessory structure containing facilities for washing automobiles, using production line, automated or semi-automated application of cleaner, brushes, rinse water, steam-cleaning and heat for drying, whether or not employing a chain or other type of conveyor.
1. Equipment. All washing facilities shall be within an enclosed building except that vacuuming facilities may be outside the building where the subject property is located at least 500 feet from any residentially zoned or used property. All washing facilities shall also be equipped with a water recycling system.
  2. Parking.
    - (a) A minimum of one off-street storage spaces shall be provided per vacuum cleaner.
    - (b) A minimum of eight stacking spaces shall be provided on the entrance side of the facility.
    - (c) A minimum of three stacking spaces shall be provided on the exit side of the facility.
  3. General design standards.
    - (a) No tunnel entrance or exit of a car wash operation shall face an adjacent residentially used or zoned property, not including those across an intervening right-of-way or street.
    - (b) The car wash facility must demonstrate architectural compatibility with the principal structure.
- (D) Attended automatic car wash. A structure containing facilities for washing automobiles, using production line, automated or semi-automated application of cleaner, brushes, rinse water, steam-cleaning and heat for drying, whether or not employing a chain or other type of conveyor.
1. Equipment.
    - (a) All washing facilities shall be within an enclosed building except that vacuuming facilities may be outside the building where the subject property is located at least 500 feet from any residentially zoned or used property.
    - (b) No outside loudspeakers or radios are permitted. Radio station promotions and/or other activities utilizing loudspeakers or broadcasting equipment are prohibited.
    - (c) No electrical or air driven hand tools, including but not limited to polishers and buffers, shall be utilized outside of the required building enclosure, unless the subject property is located at least 500 feet from any residentially zoned or used property.

- (d) All washing facilities shall be equipped with a water recycling system.
  - 2. Parking.
    - (a) One parking space per employee shall be provided.
    - (b) Five parking spaces shall be provided at the exit side of the facility for final hand drying and interior cleanup and as a customer pickup area.
    - (c) A minimum of 18 stacking spaces shall be provided on the entrance side of the facility.
  - 3. General design standards.
    - (a) No tunnel entrance or exit of a car wash operation shall face an adjacent residentially used or zoned property, not including those across an intervening right-of-way or street.
- (E) Manual car wash/detailing. Permitted only as an accessory use to Service Stations, automobile dealerships, regional malls, and golf courses.
- 1. General design standards.
    - (a) Manual car wash/ detailing shall be conducted under a permanently installed canopy aesthetically compatible with the primary structure and shall meet all applicable building code regulations.
    - (b) The operation of such manual car wash shall not create any standing water and shall not drain directly into drainage system. Manual car wash/detailing facilities located within a regional mall shall use a waterless cleaning process and products used shall be 100% biodegradable.
    - (c) Engine cleaning and undercarriage cleaning shall be prohibited within regional malls.
    - (d) Required parking and site circulation for existing use(s) shall be maintained.
    - (e) Sign(s) for car washes are restricted to car wash canopies only and are counted as part of the total allowed building signage of 36 square feet.
  - 2. Parking. Two parking spaces are required per work station for storage, stacking, pick-up, or drop-off.

## 155.509 CHILD CARE CENTERS

- (A) Child care centers, as defined in this LDC, shall be designed in a manner that provides the young child with a sense of place and identity which they can readily transfer when they enter the public school realm. Efforts to depict the classic school hour's image should be exercised. Entries should be clear, inviting, sheltered and warm transition spaces that alert the child to their surroundings resulting in pride in attendance.
- (B) Each freestanding child-care center shall have a minimum lot size of 15,000 square feet.
- (C) Each child care center shall have a minimum of 45 square feet interior floor space per two children excluding support facilities (bathrooms, kitchen, corridors, office, storage and the like).
- (D) Each child care center shall have a minimum of 3,500 square feet or 45 square feet per two children, whichever is greater, of open space enclosed, shaded, pervious area with outdoor drinking fountain. All playground equipment shall be identified on the site plan and shall not be

permitted in the required set back areas. Required yards are not to be counted as required open space.

- (E) Each child care center shall have a minimum of one shade tree per 1,000 square feet of pervious open space area.
- (F) Each child care center shall have a pickup and drop zone with space to accommodate four vehicles with a minimum of 30 feet frontage.
- (G) Each child care center shall operate only from the hours of 8:00 a.m. to 6:00 p.m. outside activities only and inside care may be 24-hours.
- (H) Each child care center shall provide a minimum of the following yards and buffers:
  - 1. Rear yards: 25 feet minimum
  - 2. Side yards: 15 feet minimum
  - 3. Front yard: 50 feet minimum
  - 4. Hedged perimeter: 8 feet adjacent to residential property lines.
- (I) Vehicle Impact Protection Devices required. Child care centers shall be required to install and maintain Vehicle Impact Protective Devices for exposed areas to protect the child care center, associated play areas, patrons from vehicle intrusions from out-of-control vehicles. Home based Child care centers, drop-in child care, family day care home, and indoor recreational facility, or a large family day care home, as respectively defined within F.S. § 402.302, shall be exempt from the requirements of this subsection.
  - 1. Applicability. Child care centers shall install Vehicle Impact Protection Devices prior to any of the following:
    - (a) Opening a non-home based child care center after enactment of this section;
    - (b) Expansion, modification, or relocation of an existing non-home based child care center;
    - (c) Expansion, installation, modification, relocation, repair, creation, establishment, development or redevelopment of any qualifying child care center play areas; or
    - (d) Expansion, installation, modification, relocation, repair, creation, establishment, development or redevelopment of any exposed area; or
    - (e) The creation, installation, establishment, development, or redevelopment of head in parking adjacent to a non-home based child care center uses or associated play areas.
  - 2. Elements of Vehicle Impact Protection Devices.
    - (a) Vehicle Impact Protection Devices shall be a minimum of 36 inches in height and, be designed to achieve an impact resistance level of 5,000 pounds traveling at 30 miles per hour. Vehicular Impact Protection Devices shall be required to be installed within the exposed area. Vehicle Impact Protection devices shall be installed parallel or roughly parallel to the edge of the roadway or drive aisle. Plain concrete barriers, such as "K Rails" or "Jersey" barriers, shall be prohibited, except as temporarily allowed for replacement and repairs.
    - (b) Vehicle Impact Protection Devices shall be installed to a height of no less than three feet and not greater than four feet above finished grade.

- (c) When Vehicle Impact Protection Devices are spaced apart, the spacing shall be not less than 48 inches and not more than 56 inches between the outer edge of the barrier and the nearest outer edge of the adjacent barrier and shall comply with the American Disabilities Act, and all applicable state, local, and federal codes and regulations.
  - (d) The color and design of the Vehicle Impact Protection Devices shall be consistent throughout the site. Use of protective and/or decorative sleeves shall be permitted.
  - (e) Vehicle Impact Protection Devices shall be properly maintained, including no visible rust or corrosion, and be kept in uniform alignment.
  - (f) Child Care business owners are encouraged to screen Vehicle Impact Protection Devices with landscape where feasible to reduce visual impact on a site.
3. ADA compliant parking spaces. Where a parking space is required to be ADA compliant and is located in an area of a parking lot specified in this section so as to require vehicle impact protection devices adjacent to the parking space, bollards or posts may be substituted for wheel stops and the ADA signage may be mounted on a pole that is mounted or affixed to the post or bollard.
  4. Conflicts with other laws. In the event the terms of this subsection or its application to a particular parking lot would cause a parking lot to not comply with a provision of Federal or State law or another provision of the city's Municipal Code, City staff shall apply this subsection in a manner to carry out the provisions of both Federal and State law and the other provisions of this Code and the provisions of this subsection. When there is an irreconcilable conflict between the provisions of this subsection and the provisions of Federal or State law or other provisions of this Code, the provisions of Federal and State law and the other provisions of this Code shall prevail over this subsection and only to the extent necessary to avoid a violation of those other laws or Code provisions.
  5. Review. Vehicle Impact Protection Zones shall be considered concurrently with the review of the underlying site plan or development application through the Planning and Zoning Board.
  6. Minor adjustments to Vehicular Impact Protection Zones. The City Manager or designee may approve minor modifications to vehicle impact protection standards contained in this section to accommodate for conflicts with existing site conditions, pedestrian accessibility paths and ground mounted light poles, fire protection, mechanical equipment, etc., provided the modifications achieve similar protections as intended by this subsection.
  7. Replacement or repair. Within 90 days after a vehicle impact protection device or feature that serves to protect an Exposed Area of a nonresidential building center is destroyed, damaged, or removed, the device or feature shall be replaced with one that satisfies the requirements and standards of this section.

## 155.510 DOMESTICATED LIVESTOCK AND POULTRY

(A) Domesticated livestock and poultry shall be subject to the following standards and regulations:

1. The number of domesticated livestock permitted shall be restricted to four grazing animals per each 35,000 square feet.
2. Structures for livestock raising, boarding, or housing, such as barns, feed lofts, and stables, shall not be located within 100 feet of any lot line. A stable with a capacity of not over four horses may be located at least 50 feet from a side or rear lot line.

- (a) Keeping of horses and cows, not exceeding four in total number for a plot of minimum permitted size: where the plot exceeds 35,000 square feet in area, one additional horse may be kept for each acre of plot area in excess of 35,000 square feet. The permitted animals shall be kept in an area which is located at least 50 feet from any street line. Any roofed structure for shelter of these animals shall be located at least 50 feet from any plot line.
3. Structures for raising of poultry, such as pens, coops, shelters, feeders, and the like, shall not be located within 100 feet of any lot line.
  - (a) Where such structures, existing at the effective date of this LDC, are located less than 100 feet from any lot line, additions to existing structures and new structures may be erected at the same distance, or at a greater distance from that lot line, as the existing structures.
  - (b) Keeping of poultry or fowl, not exceeding 25 in total number, provided the poultry or fowl are kept in an enclosure which is located at least 50 feet from any plot line.
  - (c) This exemption for additions to existing structures and for new structures, shall apply only to building permits issued prior to January 1, 1962, and shall not apply to any structure, the construction of which is not begun prior to that date.
4. Structures for raising hogs, such as pens, sties, shelters, feeders, and the like, shall not be located within 200 feet of any lot line.
5. Hogs shall not be placed, kept, or permitted within 100 feet of any lot line; within 500 feet of a dwelling under different and separate ownership; nor within 500 feet of any residentially zoned property.

## 155.511 DRY CLEANERS

(A) Dry cleaning establishment shall be subject to the following standards and regulations:

1. Service shall be rendered directly to customers who bring in and pick up the articles to be dry cleaned.
2. The establishment shall not provide pick-up or delivery service, except to or from residential customers.
3. The entire cleaning and drying process shall be carried on within completely enclosed solvent reclaiming units.
4. All solvents used in the cleaning process and the vapors therefrom shall not be explosive or flammable.

## 155.512 ELECTRONIC NICOTINE DEVICE RETAIL SALES

(A) Regulation of the marketing, sale, or deliver of nicotine products and nicotine dispensing devices, including electronic cigarettes and similar device or product, is preempted to the State pursuant to Section 569.315, F.S.-.

## 155.513 HOTELS

(A) Hotels located in the R-MF district shall be subject to the following provisions:

1. Lot size. Every lot shall be not less than 100 feet in width and 10,000 square feet in area.
2. Height. No building, structure, or part thereof shall be erected or altered to a height exceeding 15 stories or 150 feet. However, where any portion of a building or structure is utilized for a medical or dental office or clinic, that use shall not extend to a greater height than three stories or 35 feet.
3. Coverage. The combined area occupied by all main and accessory buildings and structures shall not exceed the percentage given in the following table for various heights of buildings:

Table 155.513: Hotel Lot Coverage Percentage by Height	
Height	Percent Coverage
One Story	55%
Two Stories	55%
Three Stories	50%
Four Stories	50%
Five Stories	45%
Six Stories	45%
Seven – Fifteen Stories	40%

(B) Hotels located within B-2, B-3, C-1, I-L, I-M and I-H zoning districts shall have a minimum room size of 150 Square Feet.

## 155.514 INDUSTRIAL USE SEPARATION FROM RESIDENTIAL PROPERTY

(A) The following industrial uses shall have a 300 foot separation from a residential use unless otherwise specified within the provisions of this LDC.

1. Animal cemetery
2. Brewery/ Distillery
3. Carnival, circus
4. Circus quarters, animal refuge
5. Correctional or penal institution
6. Racetrack – automobile, motorcycle or horse
7. Gun Range – Outdoor
8. Tank storage of oil and gasoline
9. Freight Terminal / Depot / Truck Terminal.

## 155.515 JUNKYARDS

(A) Junkyards shall be subject to the following standards and regulations:

1. The area of land to be so used shall be no more than 100,000 square feet.
  - (a) No automobile or vehicle not in running condition, nor machinery or other junk or scrap, shall be located either for storage or dismantling within 300 feet of any residential district, within 50 feet of the front street line, nor within 30 feet of any side street line or other property line of the lot to be so used.
  - (b) The entire area occupied by a junkyard shall be surrounded by a substantial, continuous masonry, wooden or metal fence or wall eight feet in height, without openings except for entrance and exit. Openings shall be equipped with unpierced gates.

## 155.516 MEDICAL MARIJUANA DISPENSING FACILITIES

(A) Medical marijuana dispensing facilities shall be subject to the following standards and regulations:

1. Purpose. It is the purpose of this section to prohibit medical marijuana treatment centers created under Art. X, § 29 of the Florida Constitution from establishing medical marijuana dispensing facilities within the municipal limits of the City.
2. Findings. Based on authority granted to municipalities in F.S. § 381.986(11), the City Commission finds that a ban on the establishment of medical marijuana treatment center dispensaries within the city is in the best interest of the City.
3. Prohibition. Medical marijuana dispensing facilities are prohibited within the boundaries of the City.

## 155.517 MICROBREWERIES, MICROWINERIES, AND BREWPUBS

(A) Purpose

1. The purpose of this subsection is to ensure the effective operation and regulation of microbreweries, microwineries and brewpubs. Where any other provisions of the City of Pembroke Pines Code of Ordinances directly conflicts with this LDC, this LDC shall control.
2. All operations of microbreweries, microwineries and brewpubs shall comply with applicable federal, state, local laws, rules and regulations.

(B) Microbreweries, microwineries and brewpubs must meet the requirements set forth in Alcoholic Beverage Establishments and Outdoor dining in 155.504 and 155.519.

(C) Brewpub as principal use. Brewpub shall be a principal use which shall comply with the following:

1. Brewpub production of beer and malt beverages shall not exceed 5,000 barrels per year.
2. Brewpubs may not sell its product to other retailers or wholesalers.
3. Brewpubs shall include a restaurant that provides full meal service for consumption by patrons.

(D) Microbrewery and microwinery as principal use subject to special exception (155.301(M) and alcoholic beverage establishment regulations (155.504).

1. Microbrewery and microwinery shall be a principal use which shall include, but is not limited to: small scale production and distribution of beer, ale, or other malt beverages, or wine and on-site consumption and sales of beer, ale, or other malt beverages, or wine.
2. Permitted operations include those establishments engaging in the small scale production of beer, ale, other malt beverages, or wine.
3. This use shall be permitted only in conjunction with in-house food service and shall adhere to the following:
  - (a) No more than 75% of the overall square footage associated with the establishment shall be used for production/distribution including, but not limited to, the brewhouse, boiling and water treatment areas, bottling and kegging lines, malt milling and storage, fermentation tanks, conditioning tanks, serving tanks, and/or the storage of materials and/or product.
  - (b) The commercial use shall be oriented towards the street or public space, excluding alleys.

(E) General standards.

1. Hours of operation.
  - (a) Permissible hours of operation shall be determined by the Planning and Zoning Board based on impact upon adjacent, adjoining, and nearby properties and uses. The hours for distribution trucks to visit the microbrewery/ microwinery to receive product(s) for distribution shall be between 8:00 a.m. and 8:00 p.m. Monday through Saturday, and 11:00 a.m. to 7:00 p.m. on Sundays. Local roads shall not be utilized by distributors.
  - (b) However nothing in this subsection shall operate to change the hours of sale designated in chapter 110.02.
2. Outdoor storage of spent grains. The use of outdoor storage is strictly prohibited except for the temporary storage, limited to 24 consecutive hours, of spent grains.
3. Odors. Microbreweries/microwineries/ brewpubs must ensure that the production process and associated odors are not detrimental to the public health, safety, comfort and welfare.
4. Production reporting. Microbreweries/ microwineries/brewpubs must accurately report on their local business tax receipts the (1) amount(s) of product brewed, vinted, made or produced for the most recent fiscal year; and (2) the amount(s) of product the microbrewery/microwinery anticipates brewing, vinting, making or producing for the upcoming fiscal year.
5. Parking for microbreweries, microwineries, and brewpubs shall follow the parking standards for a restaurant.

## 155.518 MOBILE FOOD DISPENSING VEHICLES

### (A) Operational Regulations

1. Regulation of mobile food dispensing vehicles, and temporary commercial kitchens, involving licenses, registrations, permits, and fees is preempted to the state while the City is permitted to regulate the operation of mobile food dispensing vehicles pursuant to Section 509.102, F.S.
2. Mobile food dispensing vehicles shall comply with all applicable laws relating to the dispensing of food products,

(B) Products Permitted to be Sold. No products other than foods may be sold, offered for sale, or dispensed in any fashion from a mobile food dispensing vehicle unit within the city. Alcoholic beverages may not be sold from a mobile food vendor unit. This section is not intended to sanction the sale of products from vehicles in any fashion. Except as permitted herein, no sales of products, goods, or merchandise from vehicles is permitted within the City.

(C) Restrictions. Mobile food dispensing vehicle are allowed on private property that is designated and used for commercial, industrial, recreational, or non-residential purposes, subject to the following conditions:

1. Mobile food dispensing vehicles are allowed as accessory or complimentary to the principal use in the parcel.
2. No display areas, merchandise, or stored items in association with the vendor or those associated with the principal use on the property, which are displaced due to the vending activity, shall encroach onto any public street/right-of-way or easement, or onto any adjacent private property without express permission from that property owner.
3. The mobile food dispensing vehicle shall set up and locate the vehicle, wares, and/or any associated displays in accordance with the principal structure setbacks of the underlying property's land use designation.
4. The mobile food dispensing vehicle sales area shall not exceed more than three parking spaces or 600 square feet in area, whichever is greater. The mobile food dispensing vehicle shall designate a portion of the sales area as a waiting area for patrons. Such designated area shall not conflict with traffic. In addition, one space/100 square feet of mobile vendor unit area shall be required for customer parking. However, at no time may the required number of parking spaces for the principal use of the property be rendered nonconforming due to vendor use.
5. Mobile food dispensing vehicles shall not remain on the property overnight or when they are not in use by the mobile food vendor.
6. All mobile food dispensing vehicle shall operate in compliance with the city's noise ordinance, Code 96 of the City of Pembroke Pines Code of Ordinances.
7. Mobile food dispensing vehicle shall be prohibited from discharging fat, oil, grease, or wastewater into the sanitary sewer system. Waste shall be properly stored and disposed of at a properly designated location.

8. All menus and signage shall be fully affixed to the mobile food vendor unit. Detached signs shall not be permitted.
9. Mobile food dispensing vehicle shall be permitted to conduct their operations between 7:00am – 9:00pm, provided that the approved restroom facilities are available to the patrons.
10. Mobile food dispensing vehicles must obtain the written authorization to operate on private property from the owner of the property or from another authorized party to provide consent to operate.
11. Mobile food dispensing vehicles are prohibited on public property without first obtaining written authorization from the City or as otherwise permitted pursuant to an special event permit.

(D) Standards. The following standards shall apply to all mobile food vendors and their respective mobile food vending units:

1. The mobile food vendor unit shall not interfere with required parking, loading and unloading spaces, or the vehicular access to those spaces for the principal use.
2. The mobile food vendor unit shall not block, damage, or interfere with required landscaping, buffers, or stormwater drainage systems on the subject property.
3. The mobile food vendor unit shall not interfere with or block fire lanes on the subject property.
4. Only one mobile food vendor shall be allowed on any one parcel less than one-half acre in size. No more than two mobile food vendors shall be allowed on any one parcel exceeding one-half acre in size. The Zoning Official may authorize and approve more than two mobile food vendors to operate on a single parcel on a case by case basis after review of the site plan.

## 155.519 OUTDOOR DINING

(A) Authorization. Outdoor dining is permitted as an accessory use in accordance with the following criteria set forth in this section.

(B) Review process.

1. All outdoor dining proposals shall require the approval of the city's zoning official.
2. The approval of a master outdoor dining shall be required prior to the approval of tenant outdoor dining areas.
3. Proposed outdoor dining areas shall require a parking analysis, detailed seating plan, details of architectural features and amenities as well as a narrative summary showing all improvements.

(C) Standards.

1. Access. An aisle, complying with the minimum width established by the Americans with Disabilities Act (ADA), as amended from time to time, must be maintained to the restaurant door and to allow passage in front of the restaurant along the shopping center.
2. Food preparation. All kitchen and other equipment (for example, bus service stations, remote menu computer stations, hostess stations) and refuse containers used to service the open-air café or outside seating area shall be located within the primary restaurant and dining room.
3. Location. The dining area must be on private property and be authorized by both the property owner and tenant. The outdoor dining area must be adjacent to the principal indoor food service establishment.
4. Noise. No sound systems or amplified music shall be permitted unless the owner of the establishment can verify that such sound system or amplified music will not interfere with the neighboring properties and uses. Any and all such sound systems or amplified music shall comply with the City of Pembroke Pines Code of Ordinances. The burden of proof of compliance with the requirements herein shall be on the owner of the establishment.
5. Parking. The outdoor dining area, in excess of 50 square feet, will be interpreted as additional customer service area and will require requisite parking.
6. Screening. The outdoor dining area shall be screened from all residential property and appropriately screened from adjacent commercial property and parking lots. Specific landscaping and/or screening shall be provided and may be in excess of required landscaping code to effectively protect other property. Landscaping and screening must be provided to prevent light spillover onto adjacent uses and/or properties.
7. Setbacks. No outdoor dining shall be allowed within the required setbacks.
8. Signage. No signs except those required by code shall be allowed within the outdoor dining area.
9. Lighting. Lighting may be permitted within the outdoor dining areas in accordance with the standards in Article 6 of this LDC.

10. Architectural features. Dining areas in excess of 50 square feet shall be contained by architectural features.

## 155.520 OUTDOOR DISPLAY AND SALES

- (A) Authorization. Outdoor display and sales is permitted as an accessory to a principal retail uses, in accordance with the following criteria set forth in this section.
- (B) Review process. A master outdoor display and sales plan must be established by the property owner. The plan shall require the approval of the City's Zoning Administrator via the administrative review process.
- (C) Standards.
1. Access. An aisle, complying with the minimum width established by the Americans with Disabilities Act (ADA), as amended from time to time, must be maintained.
  2. Location.
    - (a) The display and sales area must be on private property and be authorized by both the property owner and tenant.
    - (b) The display and sales area must be adjacent to the principal establishment and within the bounds of the tenant's lease line.
    - (c) No outdoor sales shall be permitted within any public or private right-of-way, required parking or traffic circulation area, fire lane or landscape area.
  3. Noise. No sound systems or amplified music shall be permitted unless the owner of the establishment can verify that such sound system or amplified music will not interfere with the neighboring properties and uses. Any and all such sound systems or amplified music shall comply with the City of Pembroke Pines Code of Ordinances. The burden of proof of compliance with the requirements herein shall be on the owner of the establishment.
  4. Screening. The outdoor display and sales area shall be screened from all residential property and appropriately screened from adjacent commercial property and parking lots. Specific landscaping and/or screening shall be provided and may be in excess of required landscaping code to effectively protect other property. Landscaping and screening must be provided to prevent light spillover onto adjacent uses and/or properties.
  5. Setbacks. No outdoor display or sales shall be allowed within the required setbacks.
  6. Signage. No signs except those required by code shall be allowed within the outdoor display and sales area.
  7. Hours of operation. Outdoor display and sale shall be permitted during the hours of operation of the principal use. All items for display and sale, as well as the structures utilized for display, shall be moved into the respective store during off hours.

## 155.521 PAWN SHOPS

- (A) Pawn shops shall be subject to the following standards and regulations:
1. Location Near Religious Institutions, Schools, Residential Districts

- (a) In the development, enforcement, and amendment of this LDC, it is recognized that there are uses and accessory uses which, because of their nature, are recognized as having serious objectionable characteristics, particularly when several of them are concentrated in any given location, thereby having a deleterious effect upon adjacent business and residential areas. Specific regulation of these uses is necessary to ensure that these adverse effects will not contribute to the blighting and downgrading of the surrounding neighborhood.
- (b) Pawn shops set forth in this section, shall not be located nearer than 1,000 feet to the same or any other designated use, an establishment at which alcoholic beverages are sold or consumed, or to any religious institutions, or public, private or parochial kindergarten, nursery, elementary, middle, or high school, or day care center. Measurement of 1,000 feet shall be made in accordance with division (4) of this section.
- (c) It shall be unlawful hereafter to establish any Pawn shop within the corporate limits of the city if the proposed location is within 500 feet of a residentially zoned district.
- (d) For the purposes of this LDC, a designated use or proposed designated use shall be deemed to be within 1,000 feet or 500 feet of another designated use or an establishment at which alcoholic beverages are sold or consumed, church, school, real property, residence, business, or residentially zoned district, respectively, as defined or described herein, if any part of the building in which, or lot of land upon which, a designated use is located, is within 1,000 feet or 500 feet, as measured by an actual or imaginary straight line upon the ground or in the air, of any part of the building in which, or lot of land upon which, another designated use or an establishment at which alcoholic beverages are sold or consumed, a church, school, real property, residence, business, or residentially zoned district respectively, is located.

## 155.522 PET HOTELS, DOG DAYCARE

(A) Pet hotels and dog daycares shall be subject to the following standards and regulations:

1. Pet hotels shall only be permitted as an accessory use for businesses whose principal operations include the sale of pets and pet supplies, and whose store is at least 15,000 square feet.
2. Adequate soundproofing in any area where animals are boarded. Sleeping quarters shall be limited to 15% of the total square footage of the business.
3. No exterior cages.
4. Shall contain an approved air-handling system for disinfection and odor control.
5. Shall contain adequate waste control facilities, such as a flush system or equal.

## 155.523 RECREATIONAL USES

(A) The uses and structures within the REC district shall not be located nearer to any property in separate and different ownership than the following:

1. Go-cart track, no racing: 50 feet
2. Mechanical riding devices: 200 feet
3. Racetrack: 500 feet
4. Stadium, amphitheater, or arena: 300 feet

## 155.524 RELIGIOUS INSTITUTION, HOUSE OF WORSHIP

(A) Religious institutions and schools incidental to a religious institutions with the R-1A, R-1B or R-1C shall meet the following requirements.

1. This use shall be located on a lot having at least 40,000 square feet of lot area, and having at least 200 feet of street frontage.
2. The coverage of all roofed structures shall not exceed 25% of the lot area.
3. No building or roofed structure shall be located within 40 feet of any other residentially zoned property.
4. No parking area shall be located within ten feet of any lot line

## 155.525 RESOURCE RECOVERY

(A) Resource recovery establishments shall be subject to the following standards and regulations:

1. An attendant must be kept on duty during hours the disposal area is open to control deposit of refuse.
2. The disposal area shall be enclosed sufficiently by a fence with gate or by other means so as to limit use to authorized periods, and for proper purposes.
3. No burning of refuse shall be permitted within 2 miles of any residentially zoned property in the city, except by combustion in a completely enclosed incinerator of adequate design and operation to prevent emission of fly ash and dense smoke. There shall be no burning of refuse between the hours of 7:00 p.m. and 7:00 a.m.
4. No refuse is to be deposited within any required yard.
5. Refuse is to be compacted daily and topped by a soil cover daily.
6. Maximum depth of fill shall not exceed 10 feet above existing ground level.

## 155.526 SCHOOLS

(A) Any public or private elementary, middle or senior high school that seeks relief by a special exception shall demonstrate compliance with special exception criteria and the following supplemental standards:

1. Site requirements. The following minimum standards shall apply:
  - (a) Lot size. The lot shall have a minimum lot size of four acres.
  - (b) Schools must be located within freestanding single use structure(s) unless the school is accessory to a library, community service, museum, performing arts, theater, cinema, church, Florida college system institution, and college or university facilities.

- (c) Barrier. If the site abuts a canal or other water body, a minimum eight foot high fence shall be installed along the property line abutting the water body in order to protect the students. If the site abuts a residential property, a minimum six foot high masonry wall shall be installed along the property line abutting residential properties. In addition to the requirements above, the school must provide additional fencing and or gates on their site plan to ensure the security of the student population.
  - (d) Site plan requirements. A local business tax receipt shall not be issued until a site plan or site plan modification is approved consistent with these land development regulations.
  - (e) Off-site improvements. If through the site plan or site plan modification process the City Engineer, Broward County or state transportation related agencies deem that off-site improvements are required, such as sidewalks, traffic signalization, signage, pedestrian and bicycle improvements, transit amenities, school crossings and zones, and turning lanes, such improvements and amenities must be constructed and approved before a local business tax receipt may be issued.
  - (f) Operational management plan. An operational management plan should be included with the submittal. The plan should include the following information:
    - i. General summary of operations on site. Including but not limited to:
      - a. Five year projected school enrollment with grade configurations as well as maximum student enrollment.
      - b. Hours of operation.
      - c. Student pickup and drop off times.
      - d. Loading and unloading procedures.
      - e. Onsite queuing and traffic control measures.
      - f. Onsite and off-site traffic improvements associated with proposal.
    - ii. Traffic and pedestrian operational plan showing the ingress and egress of pedestrians and all vehicles from the school site during school during school pickup and drop off hours and safe routes with crossing guards, where required, necessary to protect the students. This plan must include all onsite and off-site improvements, as outlined within this section, within a minimum of 1,000 feet from the school property.
    - iii. Organizational structure. An organizational chart and explanation showing the hierarchical arrangement of lines of authority, contact information of such personnel, right and duties of the organization.
    - iv. Traffic and vehicular stacking analysis by a registered traffic engineer based on maximum enrollment figures provided by the school upon consideration of the site plan.
  - (g) Applicant will be required to apply for an amendment to the special exception in the event the applicant wishes to increase maximum enrollment or change in grade configuration at the facility beyond what may have been authorized by the original special exception.
  - (h) The minimum regulations set forth in this section shall be applied and construed in a manner so as not to be more stringent than the latest edition of the state requirements for educational facilities.
2. Physical environment requirements.

- (a) Where recreational play areas are provided, a minimum of 50% of the total recreational play area for the school shall be located outdoors. Recreational play areas must be clearly delineated on a site plan and cannot be located within required landscape bufferyards, parking lots or areas of traffic circulation. Outdoor county or city public recreational facilities or parks located within Pembroke Pines municipal boundaries may be used to meet this requirement with proper governmental approvals.
  - (b) Drop-off/pick-up area. A student drop-off and pick-up area shall be depicted and dedicated to drop-off activities and will not interfere with onsite parking on the conceptual site plan, which area shall be consistent with the "Safe Routes to School Guide, Student Drop-off and Pick-up", which guide was developed by the Pedestrian and Bicycle Information Center. The appropriate length and dimensions of the drop-off area shall be identified within a stacking study.
3. Other requirements.
- (a) School crossing guards. Public and private schools are required to, and shall provide at their own expense, school crossing guards.
  - (b) Bus storage. Private or public schools shall not store buses on site.
  - (c) Timing. In order to afford sufficient time to process and secure required development orders, building permits, and local business tax receipt approval, a complete special exception use application must be filed with the Planning and Economic Development Division with all fees paid no later than 90 days after awarding of the charter for the next school year.
  - (d) Schools must apply for local business tax receipt in compliance with Chapter 115 of the City Code of Ordinances.
  - (e) Special exception applications shall comply with regulations as set forth article 3
  - (f) Signs shall comply with requirements set forth in 155.695-155.6107.
  - (g) Other. Any other documentation or requirements that the Planning and Economic Development Division deems relevant to the operation of such use or safety of the students or both.

## 155.527 SELF-SERVICE LAUNDRY / LAUNDROMAT

- (A) Self-service, laundry establishments shall be subject to the following standards and regulations:
1. Service shall be rendered directly to customers who shall bring in and take away the articles to be cleaned.
  2. The establishment shall not provide pick-up or delivery service.
  3. The customers shall operate the machines provided to do their own laundry.
  4. The entire cleaning and drying process shall be carried on within completely enclosed solvent recleaning units.
  5. All solvents used in the cleaning process and the vapors therefrom shall be nonexplosive and nonflammable.

## 155.528 SERVICE STATIONS

(A) Service stations shall be subject to the following standards and regulations:

1. Applicability. Service stations, also known as gas stations, may include the following accessory uses:
  - (a) Minor auto repair
  - (b) Car washes
  - (c) Convenience store
2. Location. Service Stations are to be located only in B-3, C-1, I-L, I-M and I-H Districts. Service Stations are allowed on a corner lot, located at the intersection of two or more streets, or as an outparcel/free standing building within a shopping center that is located on a corner lot at the intersection of two or more streets.
3. Clearance Required
  - (a) Gasoline pumps shall be located not less than 15 feet from any street line and not less than ten feet from any other property line.
  - (b) No gasoline pump shall be located within 25 feet of any property which is residentially zoned.
4. Wall or Fences Required
  - (a) There shall be a wall or fence, which shall effectively screen against direct view, and which shall be maintained on all property lines other than street lines of a lot occupied as a service station.
  - (b) The wall or fence shall be opaque.
  - (c) The above wall or fence shall not be required where the lot abuts non-residentially zoned property, provided a proper waste receptacle is maintained and used which effectively conceals the refuse and rubbish from public view.
5. Storage of flammable liquids
  - (a) All gasoline, benzene, diesel fuel, naphtha, or other volatile flammable liquids stored incidental to the operation of a service station shall be in underground tanks.
  - (b) The total capacity of underground tanks and storage facilities of flammable liquids incidental to the operation of a service station shall not exceed an aggregate total of 100,000 gallons. In the event a service station is continuously inactive for a period of 30 days or more, then all storage tanks on the premises shall be emptied.
  - (c) All underground tanks shall comply with all applicable federal, state, and county codes, laws, and ordinances, which includes all applicable regulations, including building and fire codes, and all applicable governmental approvals must be obtained before installation.

## 155.529 SIGN SHOP / MANUFACTURING

Sign shops shall not be located less than 100 feet from any residential use.

## 155.530 SPECIAL RESIDENTIAL FACILITIES

- (A) The following provisions shall apply to all special residential facilities as defined in this LDC and the future land use element of the comprehensive plan.
1. Special Residential 1 shall only be permitted for use in a single-family home with 6 or fewer residents.
  2. Special Residential 2 shall not be permitted to operate within a single family home any time and consists of 7-14 residents.
  3. Special Residential 3 shall not be permitted to operate within a single family home. The facility shall consist of a minimum of 15 residents with each room a minimum of 540 square feet.

## 155.531 STORAGE OF RENTAL VEHICLES

- (A) Storage of rental vehicles. Outside accessory storage of rental vehicles may be permitted as described below:
1. Site plan. A site plan, or site plan amendment, describing with particularity the specific storage areas for rental vehicles for each proposed and/or existing use, must be submitted to the Planning and Zoning Board for review and decision in accordance with Article 3 of this code. All parking for the storage of rental vehicles shall be in excess of required parking for the center. The Planning and Zoning Board must determine that the location for the storage of vehicles does not interfere or impede with the use of the parking lot for the customers, employees or owners of the other businesses in the center.
  2. Type of vehicles. Stored rental vehicles may not have more than two axles. Only vehicles that may be driven with a non-commercial driver's license issued by the Florida Department of Motor Vehicles may be stored on-site. Rental and storage of construction and heavy equipment shall not be permitted.
  3. Restrictions. No vehicles with advertising, other signage, or greater than 5,000 pounds may be parked in the front. Any such vehicles must be parked in the rear of the building and screened from adjacent residential development.

## 155.532 TATTOO PARLORS

- (A) Tattoo parlors shall be subject to the following standards and regulations:

1. Location Near Religious Institutions, Schools, Residential Districts
  - (a) In the development, enforcement, and amendment of this LDC, it is recognized that there are uses and accessory uses which, because of their nature, are recognized as having serious objectionable characteristics, particularly when several of them are concentrated in any given location, thereby having a deleterious effect upon adjacent business and residential areas. Specific regulation of these uses is necessary to

ensure that these adverse effects will not contribute to the blighting and downgrading of the surrounding neighborhood.

- (b) Tattoo parlor shall not be located nearer than 1,000 feet to the same or any other designated use, an establishment at which alcoholic beverages are sold or consumed, or to any religious institutions, or public, private or parochial kindergarten, nursery, elementary, middle, or high school, or day care center. Measurement of 1,000 feet shall be made in accordance with division (d) of this section.
- (c) It shall be unlawful hereafter to establish any designated use within the corporate limits of the city if the proposed location is within 500 feet of a residentially zoned district.
- (d) For the purposes of this Article, a designated use or proposed designated use shall be deemed to be within 1,000 feet or 500 feet of another designated use, an establishment at which alcoholic beverages are sold or consumed, religious institutions, school, real property, residence, business, or residentially zoned district, respectively, as defined or described herein, if any part of the building in which, or lot of land upon which, a designated use is located, is within 1,000 feet or 500 feet, as measured by an actual or imaginary straight line upon the ground or in the air, of any part of the building in which, or lot of land upon which, another designated use, an establishment at which alcoholic beverages are sold or consumed, a religious institutions, school, real property, residence, business, or residentially zoned district respectively, is located.
- (e) Where a designated use is located in conformity with the provisions of this LDC, the subsequent locating of an establishment which sells or permits the consumption of alcoholic beverages on premises, a religious institutions or school within 1,000 feet, or a residentially zoned district within 500 feet of the existing designated use shall not be construed to cause the designated use to be in violation of this LDC.

## 155.533 TELECOMMUNICATION TOWERS AND ANTENNAS

### (A) Intent

1. The regulations and requirements of this subsection are intended to:
  - (a) Promote the health, safety, and general welfare of the citizens by regulating the siting of telecommunications towers;
  - (b) Provide for the appropriate location and development of telecommunication towers and antennas within the City;
  - (c) Minimize adverse visual effects of telecommunication towers and antennas through careful design, siting, landscape screening and innovative camouflaging techniques;
  - (d) Avoid potential damage to adjacent properties from tower failure through engineering and careful siting of tower structures;
  - (e) Protect residential areas and land uses from potential adverse impacts of telecommunication towers and antennas by maximizing use of any new or existing telecommunication towers through shared use—that is, colocation, to reduce the number of towers needed.
2. Certain restrictions and regulations may be waived by the City Commission upon a showing of good cause, so long as such a waiver is consistent with the intent of this sub-article.

## (B) Telecommunication Towers

1. Freestanding telecommunication towers shall be permitted on city-owned property upon approval of a lease by the City Commission. The application for a lease shall include a plan revealing the location and height of the tower, and any other information requested by the City.
  - (a) Freestanding telecommunication towers shall be permitted, in the prescribed locations, pursuant to a favorable outcome of the below-described process as follows:

Table 155.531.1: Proposed Tower Location and Approval Process		
Tower Type*	Zoning District	Approval Process
Guyed	Industrial	Special Exception
Lattice	Industrial and C-1	Special Exception
Monopole	Non-Residential	Site Plan – City Commission and Planning and Zoning Board
	Multi-Family	Special Exception
Stealth	Non-Single-Family	Site Plan - Planning and Zoning Board

\*City-owned property: site plan and lease approved by City Commission in lieu of these processes.

- (b) Vacant property in the above-mentioned zoning districts may be utilized for a tower. However, if the proposed site is vacant, a monopole or stealth-type stealth facility must be utilized.
2. Minimum standards. All applications shall meet the following minimum standards:
  - (a) Each application for a proposed telecommunication tower shall include all requirements for development plan approval. The City may waive all or some of these provisions for stealth towers which are designed to emulate existing structures already on the site, including but not limited to light standards or power poles.
  - (b) A statement shall be submitted, prepared by a professional registered engineer licensed to practice in the state, which through rational engineering analysis certifies the tower's compliance with applicable standards as set forth in the Florida Building Code, amended by Broward County, and any associated regulations including Electronic Industry Association/Telecommunications Industry Association standards for wind load, and which describes the tower's capacity, including an example of the number and type of antennas it can accommodate. No tower shall be permitted to exceed its loading capacity. For all towers attached to existing structures, the statement shall include certification that the structure can support the load superimposed from the tower. All towers shall have the capacity to permit multiple users; at a minimum, monopole towers shall be able to accommodate two users, and, at a minimum, self-support/lattice or guyed towers shall be able to accommodate three

- users. However, this requirement may be waived by the final approving authority for stealth towers.
- (c) Height/setbacks and related location requirements.
- i. The height of a telecommunications tower shall not exceed the height limitation authorized in the zoning district where the tower shall be located, unless this requirement is specifically waived by the City Commission. Tower height shall be measured from the crown of the road of the nearest public street. Antennas located on towers shall not be included in the height calculations.
  - ii. Towers capable of supporting multiple users in excess of the requirements of (c)(ii) above may exceed the height limit of the underlying district by an additional 25%.
  - iii. Telecommunication towers shall conform with the setbacks established for the underlying zoning district.
  - iv. All buildings and other structures to be located on the same property as a telecommunication tower shall conform with the setbacks established for the underlying zoning district.
- (d) Aircraft hazard. Prior to the issuance of a building permit by the City, the applicant shall provide evidence that the telecommunication towers or antennas are in compliance with Federal Aviation Administration (FAA) regulations. Where an antenna will not exceed the highest joint of the existing structure upon which it is to be mounted, such evidence shall not be required.
- (e) Approval required from other governmental agencies. Each application for a telecommunication tower may be required to include written approval or a statement of no objection from other federal or state agencies that may regulate telecommunication tower siting, design, and construction.
- (f) FCC emissions standards. All proposed telecommunication towers shall comply with current radio frequency emissions standards of the Federal Communications Commission.
- (g) Buffering.
- i. Landscaping, walls, and other buffering shall be consistent with the requirements of this code of ordinances and shall be installed around the entire perimeter of any fence or wall. Additional landscaping, walls, or other buffering may be required around the perimeter of the property and around any or all anchors or supports if deemed necessary to buffer adjacent properties. The City may require landscaping in excess of the requirements of this code of ordinances in order to enhance compatibility with adjacent residential and non-residential land uses.
  - ii. Landscaping consistent with perimeter and on-site requirements of the code shall be installed around any accessory buildings or structures.
- (h) High voltage and no trespassing warning signs.
- i. If high voltage is necessary for the operation of the telecommunications tower or any accessory structures, "high voltage - danger" warnings signs shall be permanently attached to the fence or wall and shall be spaced no more than 40 feet apart.
  - ii. "NO TRESPASSING" warning signs shall be permanently attached to the fence or wall and shall be spaced no more than 40 feet apart.

- iii. The letters for the “high voltage - danger” and “no trespassing” warning signs shall be at least six inches in height. The two warning signs may be combined into one sign. The warning signs shall be installed at least five feet above the finished grade of the fence.
  - iv. The warning signs may be attached to free-standing poles if the content of the signs may be obstructed by landscaping.
- (i) Equipment storage. Mobile or immobile equipment not used in direct support of a tower facility shall not be stored or parked on the site of the telecommunication tower, unless repairs to the tower are being made.
  - (j) Parking. Each tower shall require one parking space, unless such requirement is specifically waived by the final approving authority, upon a showing that said parking space does not serve the public interest.
  - (k) Removal of abandoned or unused facilities. All abandoned or unused telecommunication tower facilities shall be removed by the tower owner/operator within 90 days of the cessation of use, if requested by the City to do so. A tower shall be considered abandoned if use has been discontinued for 180 consecutive days. The City may require an applicant at their cost and expense to post a bond in an amount sufficient to reimburse the City for reasonable anticipated costs to be incurred in removing towers and related equipment. In the alternative, the City may place a lien on the property on which the nonconforming tower is located, after proper notice is given pursuant to Code 32 of this code of ordinances. Telecommunication towers being utilized for other purposes, including but not limited to light stands and power poles, may be exempt from this provision.
  - (l) Signs and advertising. The use of any portion of a tower for signs or advertising purposes, including company name, banners, streamers, and the like, shall be strictly prohibited.
  - (m) Accessory buildings or structures. All accessory buildings or structures shall meet all building standards as listed in this code or as prescribed by other applicable laws and regulations, and as prescribed in accordance with the provisions of the Florida Building Code, as amended by Broward County. All accessory buildings or structures shall require a building permit issued by the city.
  - (n) 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.
  - (o) Non-interference. Each application to allow construction of a telecommunication tower shall include a certified statement that the construction and placement of the tower will not interfere with public safety communications.
3. Inspections.
- (a) Telecommunication tower owners shall submit a report to the City Manager or designee, certifying structural and electrical integrity on the following schedule:
    - i. Monopole towers - once every five years;
    - ii. Self-support/lattice towers - once every two years; and
    - iii. Guyed towers - once every two years.
  - (b) Inspections shall be conducted by an engineer licensed to practice in the state. The results of such inspections shall be provided to the City Manager or designee. Based

- upon the results of an inspection, the Building Official may require repair, replacement, or removal of a telecommunication tower.
- (c) The City may conduct periodic inspections of telecommunication towers to ensure structural and electrical integrity. The owner of the telecommunications tower may be required by the City to have more frequent inspections should there be reason to believe that the structural and electrical integrity of the tower is jeopardized.
4. Existing towers.
- (a) Notwithstanding the provisions of this section above, telecommunications antennas may be placed on existing towers with sufficient loading capacity. The capacity shall be certified by an engineer licensed to practice in the state.
- (b) Notwithstanding the provisions of this section above, towers in existence as of November 6, 1996, may be replaced with a tower of equal or less visual impact after approval by the City Manager or designee. If the proposed tower does not receive such approval under this section, its replacement must be consistent with this LDC.

(C) Antennas not Located on Telecommunications Towers

1. Antennas shall be permitted on the prescribed locations, pursuant to a favorable outcome of the process described as follows:

<b>Table 155.531.2 Proposed Antenna Location and Approval Process</b>		
<b>Antenna or Ground-Based Microwave Dish Antenna</b>	<b>Zoning Districts</b>	<b>Approval Process</b>
Existing Tower:		
Add to Existing Tower	N/A	Planning and Zoning Board, non-quasi-judicial
Replace on Existing Tower	N/A	Building Permit
Adding Building:		
Visible	N/A	Planning and Zoning Board, non-quasi-judicial
Stealth	N/A	Building Permit
Satellite Earth Station	Non-Single-Family	Site Plan – City Commission and Planning and Zoning Board

2. Minimum standards. Building or rooftop antennas shall be subject to the following minimum standards:
- (a) Building rooftop stealth antennas shall be subject to the following minimum standards:
- i. No commercial advertising shall be allowed on an antenna;
  - ii. No signals, lights, or illumination shall be permitted on an antenna, unless required by the Federal Communications Commission or the Federal Aviation Administration;

- iii. Any related unmanned equipment building shall not contain more than 750 square feet of gross floor area or be more than 12 feet in height and shall be screened in accordance with other requirements of the code;
  - iv. If the equipment building is located on the roof of the building, the areas of the equipment building shall not occupy more than 25% of the roof area and shall be screened from adjacent property; and
  - v. 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 review for consistency with the definition of stealth facility.
- (b) Satellite earth stations, ground-based microwave dish antennas, and building rooftop non- stealth antennas shall be subject to the following minimum standards:
- i. Antennas may not extend more than 20 feet above highest joint of a roof. Stealth antennas attached to but not above rooftop structures shall be exempt from this provision. Antennas may exceed 20 feet above the roof if approved as a special exception by the City Commission;
  - ii. 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 a material or color which matches the exterior of the building or structure upon which it is situated;
  - iii. No commercial advertising shall be allowed on an antenna;
  - iv. No signals, lights, or illumination shall be permitted on an antenna, unless required by the Federal Communications Commission or the Federal Aviation Administration;
  - v. Any related unmanned equipment building shall not contain more than 750 square feet of gross floor area or be more than 12 feet in height and shall be screened in accordance with other requirements of the code; and
  - vi. If the equipment building is located on the roof of the building, the area of the equipment building shall not occupy more than 25% of the roof area and shall be screened from adjacent property.
3. Antenna types.
- (a) To minimize adverse visual impacts, stealth antenna types shall be preferred. If a non-stealth antenna is proposed, the applicant shall be required to demonstrate, in a technical manner acceptable to the City staff, why the stealth antenna cannot be used for the particular application.
  - (b) This does not preclude a combination of the various types of antenna.
4. Aircraft hazard. Prior to the issuance of a building permit by the city, the applicant shall provide evidence that the telecommunication towers or antennas are in compliance with the Federal Aviation Administration (FAA) regulations. Where an antenna will not exceed the highest point of the existing structure upon which it is to be mounted, such evidence shall not be required.

#### (D) Shared Use of Communication Towers

1. Notwithstanding any other provision of this LDC, to minimize adverse visual impacts associated with the proliferation and clustering of telecommunication towers, collocation of facilities on existing or new towers shall be encouraged by:

- (a) Only issuing permits to qualified 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 qualified shared facilities over other facilities in authorizing use at particular locations.
2. For a facility to become a qualified shared facility, the facility owner must show that:
  - (a) The facility is appropriately designed for sharing; and
  - (b) The facility owner is prepared to offer adequate space on the facility to others on fair and reasonable, nondiscriminatory terms.
3. To satisfy the requirements of section (b) above, the facility owner must submit a written evaluation of the structural capacity of the tower.
4. Each provider shall submit to the City a list of all of its telecommunication towers located or proposed to be located within the corporate limits of the City. The list shall include the location, height, and available capacity for additional antennas as well as the name, address, and phone and facsimile number of the applicant. The City shall make these lists available to applicants to assist in the collocation of antennas.
5. Collocation of communication antennas by more than one provider on existing or new telecommunication towers shall take precedence over the construction of new single-use telecommunication towers. Accordingly, each application for a telecommunication tower shall include the following:
  - (a) A written evaluation of the feasibility of sharing a telecommunication tower, if an appropriate telecommunication tower or towers is/are available. The evaluation shall analyze one or more of the following factors:
    - i. Structural capacity of the tower or towers;
    - ii. Radio frequency interference;
    - iii. Geographical coverage requirements;
    - iv. Mechanical or electrical incompatibility;
    - v. Inability or ability to locate equipment on the tower or towers;
    - vi. Availability of towers for collocation;
    - vii. Any restrictions or limitations of the Federal Communications Commission that would preclude the shared use of the tower.
    - viii. Additional information requested by the City.
  - (b) The City may deny an application if an available collocation is feasible and the application is not for such collocation.
6. A telecommunication tower that is determined to be inappropriate for sharing shall be assumed to be inappropriate for sharing the same types of facilities in the future. Such towers will not need to be evaluated in the future regarding sharing with the same type of facility for which it has been determined to be inappropriate. The City shall retain a list of such towers and will provide a copy of the list to all potential applicants. The city may require additional sharing feasibility evaluations if warranted by changes in technology.
7. For any telecommunications tower approved for shared use, the owner of the tower shall provide notice of the location of the telecommunication tower and the tower's load capacity to the City. The City will maintain and make this list available to all applicants.

#### (E) Applications

1. The City shall act promptly on any application submitted in accordance with the provisions of this LDC. The reasons for rejecting any application filed under these provisions shall be explained, set forth in writing, and based on substantial evidence.
2. The issuance of a permit, however, is not a lease, and no municipally-owned property may be used without a lease agreement with the City. The City may, as appropriate to protect its property and the public interest, establish additional requirements beyond the minimum requirements of a permit for municipally-owned property. Furthermore, nothing in this LDC shall prohibit the city from requiring additional provisions in a lease.

## 155.534 SEASONAL MERCHANDISE STORAGE

(A) Seasonal Merchandise Storage shall be subject to the following regulations:

1. All merchandise shall be stored in a fully enclosed container.
2. No signage or graphics related to the retailer are permitted on the storage containers.
3. Number and location:
  - (a) Containers shall be located behind or on the side of the principal building in a location that does not impede vehicular or pedestrian traffic, or site operations and minimizes visual impact on adjacent properties and public rights-of-way. Location of containers for seasonal merchandise storage shall require review and approval by the Planning and Economic Development Department.
  - (b) The number of containers permitted shall be determined by the Planning and Economic Development Department at the time of review.
  - (c) Storage containers cannot be placed within parking spaces.
4. Containers utilized for the storage of seasonal merchandise are permitted to be on site for a maximum period of 10 weeks and shall not exceed 20 weeks within a 12 month period.

## 155.535. REASONABLE ACCOMMODATION APPLICATION FOR RECOVERY RESIDENCE

(A) Purpose and Intent

1. The purpose of this ordinance is to establish a uniform process for the review and approval of reasonable accommodations for recovery residences, in accordance with Chapter 397, Florida Statutes, the Fair Housing Amendments Act (42 U.S.C. § 3601et seq.), and the Americans with Disabilities Act (42 U.S.C. § 12101 et seq.).
2. This ordinance is intended to ensure that individuals recovering from substance use disorders have access to housing in a manner consistent with federal and state law. The City reviewed a study commissioned by the State of Florida (Daniel Lauber, Reforming State and Local Zoning for Community Residences for People With Disabilities and for Recovery Communities, July 2024), as well as studies commissioned by the City of Delray Beach (August 2017), the City of Pompano Beach (February 2018), and the City of Fort Lauderdale (February 13, 2018), all titled Principles to Guide Zoning for

Community Residences for People with Disabilities and prepared by Daniel Lauber, AICP.

3. These studies highlight the importance of promoting the health and well-being of individuals with disabilities by supporting community integration and normalization. A key conclusion is that when recovery residences are clustered too closely—specifically, within 660 feet of one another—there is a significant risk that these goals will be undermined.
4. To support healthier recovery environments and promote community integration, the City has adopted a minimum separation requirement of 660 feet between recovery residences, as measured from the nearest borders of each property.

(B) Application and Review Process

1. Application Required: Any person or entity seeking to operate a recovery residence in a single-family residential zone must apply to the City's Planning and Economic Development Department for a reasonable accommodation.  
Applications must include:
  - a) The name and contact information of the applicant or the applicant's authorized representative and certified recovery residence administrator who will be actively managing the applicant recovery residence; and
  - b) The property address and parcel identification number; and
  - c) A description of the accommodation requested and the specific regulation or policy from which relief is sought; and
  - d) Application fee; and
  - e) The required documentation under subsection 2.
2. Required Documentation:
  - a) Proof of application for certification under F.S. § 397.487 or charter approval as an Oxford House.
  - b) Site plan and description of the residence.
  - c) Ownership information for the parcel where the residence will be located.
  - d) The number of anticipated residents, including any resident staff.
  - e) Proof of owners' and any administrators' state certification, or application for certification.
  - f) A signed affidavit stating that the applicant agrees to notify the City within 10 days if it fails to comply with the certification or Oxford House charter requirement within 90 days after it is approved for a reasonable accommodation; and further stating that it will notify the City within 10 days if the recovery residence loses its certification or charter.
  - g) A completed fire inspection performed by the City's Fire Marshal.
3. Review Timeline:

City Planning and Economic Development staff shall datestamp each application for a reasonable accommodation upon receipt and notify the applicant within 30 days of receipt if more information is needed for the application to be processed, giving the applicant 30 days to respond and provide the required information. See Fla. Stat. § 397.487(15)(b)3. If the applicant does not supply the required information within 30 days, the application will be deemed abandoned. City Planning and Economic Development staff shall notify the applicant by First Class Mail that the application has been deemed abandoned. The notice shall include the specific information the City requested that was not provided as the reason for denial-as-abandoned.

#### 4. Evaluation Criteria

City staff shall use the following criteria to evaluate applications requesting reasonable accommodations for recovery residences:

- a) Consistency with the Fair Housing Amendments Act of 1988, 42 U.S.C. ss. 3601 et seq., and Title II of the Americans with Disabilities Act, 42 U.S.C. ss. 12131 et seq.
- b) Compliance with applicable zoning district requirements.
- c) Certification or charter status, or application for either certification nor charter; certification status of administrative staff or owners.
- d) The distance from the proposed recovery residence and any existing recovery residence, with a minimum distance of at least 660 feet between the proposed recovery residence and any existing recovery residence or existing Special Residential Facility, as defined in Section 12 of the Future Land Use Element of the City's Comprehensive Plan. Distance shall be measured from the closest property lines.
- e) Any other conditions deemed reasonable by City staff.

#### 5. Application Processing

- a) The City Planning and Economic Development staff shall issue a written determination within 60 days of receiving a completed application for a reasonable accommodation. See Fla. Stat. §397.487(15)(b)4. If the determination is to deny the application, the City will provide specific, objective, evidence-based reasons for the denial and identify any deficiencies or actions necessary for the application to be reconsidered.
- b) If a final written determination is not issued within 60 days after receipt of a completed application and the parties have not agreed to an extension of time, the application is deemed approved. See Fla. Stat. § 397.487(15)(b)5.

#### 6. Revocation

The city may revoke a granted accommodation of a certified recovery residence for cause, including, but not limited to:

- a) A violation of the conditions of approval;
- b) The lapse, revocation, or failure to maintain certification, charter, or licensure required under this section, if not reinstated within 180 days;
- c) Failure to renew its annual registration.

## 7. Registration Renewal

Once approval for a reasonable accommodation has been granted, the owner agrees to renew registration of the recovery residence annually, on the date of the first approval.

## 8. Enforcement and Penalties

- a) **Enforcement Responsibilities.** The Planning and Economic Development Department, Code Compliance Division and other applicable departments shall be responsible for enforcing the provisions of this LDC. The City Manager or their designee may delegate authority to another City Official to aid in the enforcement of the provision of this LDC.
- b) **Code Enforcement Violation and Hearing Procedures.** Code Enforcement violation and hearing procedures shall be consistent with procedures set forth within Chapter 32 of the City Code of Ordinances and Chapter 162 of the Florida Statutes, as may be amended from time to time. Failure to comply with this ordinance may result in revocation of approval and/or enforcement action under the City's zoning code.

# NONCONFORMING USES

## 155.550 SCOPE, APPLICATION OF REGULATIONS.

The provisions of this section are intended to apply only to nonconforming uses, and are not intended to apply to buildings, structures, and their lots, existing at the effective date of this LDC which do not meet the regulations of this article.

## 155.551 EXISTING USES.

Any lawful use of land or structure existing at the effective date of this LDC, and which by its terms has become a nonconforming use, is hereby declared not to be in violation at this code's effective date. Such a nonconforming use shall be subject to all of the provisions of this section pertaining to its continuance, change, and discontinuance.

## 155.552 EXTENSION OF NONCONFORMING USE.

- (A) The nonconforming use of a building may be extended throughout any part of a building clearly designed for that use but not so used at the effective date of this LDC.
- (B) Any nonconforming use which occupied a portion of a building not originally designed or intended for that use shall not be extended to any other part of the building.

- (C) No nonconforming use shall be extended to occupy any land outside the building nor any additional building on the same lot, not used for that nonconforming use at the effective date of this LDC.
- (D) The nonconforming use of land shall not be extended to any additional land not so used at the effective date of this LDC, except as provided under 155.6112.

### 155.553 CHANGE OF NONCONFORMING USE.

- (A) In any residential district, any change of a nonconforming use in a conforming building shall be to a conforming use.
- (B) In any residential district, a nonconforming use in a nonconforming building shall be changed only to a use permitted in the particular residential district involved, except as provided in division (C) below.
- (C) There may be change of tenancy, ownership, or management of a nonconforming use, provided there is no change in the nature or character of the nonconforming use, except as may be permitted by this article.
- (D) In a nonresidential district, a non-conforming use in a nonconforming structure may be replaced by a new or different use permissible in the same zoning district as the original nonconforming use or in a more restricted zoning district; if the Board of Adjustment, after public hearing, finds that the new or different use will be less detrimental to the surrounding neighborhood than the old use, and approves the new or different use as being in accordance with the spirit and purpose of this article.
- (E) Any change of a nonconforming use of land, except as incidental to a change of a nonconforming use of a nonconforming structure permitted and approved under division (D) above, shall be to a conforming use.

### 155.554 DISCONTINUANCE, ABANDONMENT.

- (A) If for any reason the nonconforming use of a building ceases or is discontinued for a period of one year or more, the building shall not thereafter be used for a nonconforming use.
- (B) Any part of a building, structure, or land, occupied by a nonconforming use, which use is abandoned, shall not again be occupied or used for a nonconforming use.
- (C) Any part of a building, structure, or land occupied by a nonconforming use, which is changed to or occupied by a conforming use, shall not thereafter be used or occupied by a nonconforming use.

### 155.555 CONTINUANCE.

Any legal nonconforming use or structure may remain until modified or altered.

### 155.556 CHANGE IN ZONING CLASSIFICATION OR REGULATION.

- (A) The provisions of this article shall also apply to buildings, structures, land, premises or uses which hereafter become nonconforming due to a change or reclassification of district; or which become nonconforming due to a change in district regulations.
- (B) Where a period of time is specified in this section for the removal or discontinuance of nonconforming buildings, structures, or uses, that period shall be computed from the effective date of the reclassification or change of regulations.

### 155.557 UNLAWFUL USE NOT AUTHORIZED.

Nothing in this LDC shall be interpreted as authorization for, or approval of, the continuation of the use of the structure or premises in violation of any resolution in effect at the effective date of this LDC.

### 155.558 ILLEGAL USE.

The casual, temporary, or illegal use of land or a building shall not be sufficient to establish the existence of a nonconforming use or to create any rights in the continuance of such a use

### 155.559 NUISANCES PROHIBITED.

- (A) Nothing shall be allowable on the premises in any district provided for in this chapter that shall in any way be offensive or obnoxious by reason of the emission of odors, gases, dust, smoke, vibration, or noise, including the crowing of cocks, barking of dogs, or any noises or odors emanating from any animal, fish, or fowl. Nor shall anything be constructed or maintained that would in any way constitute an eye-sore or nuisance to adjacent property owners or residents or to the community.
- (B) Each and every one of the following conditions or acts is considered to be a nuisance:
1. Fire hazards. Dry or dead shrubs, dead trees, combustible waste and refuse, or any material growing on a street or sidewalk or upon private property within the city which by reason of its size, manner of growth, and location constitutes a fire hazard to a building or other property or when dry, will in reasonable probability constitute a fire hazard.

2. Hazardous obstructions. An obstacle, landscaping, or thing installed or maintained in the corner setback area, reaching a height higher than four feet above the adjoining top of curb at the applicable corner of the street, intersection of four feet above the nearest pavement surface where there is no curb, or existing traveled roadway at the corner in question where there is no curb or pavement. Hazardous obstructions do not mean existing or future permanent buildings, otherwise constructed or maintained in accordance with applicable zoning and building regulations, public utility poles, trees trimmed at the trunk at least eight feet above the level of ground surface, provided that the trees are spaced so that the trunks do not obstruct the vision of motorists.

3. Animals in residential zones. Prohibited to keep or maintain chickens or other farm animals, and four or more dogs over the age of four months old.

4. Polluted water. A swimming pool, pond, or other body of water which is abandoned, unattended, unfiltered, or not otherwise maintained, resulting in the water becoming polluted. For the purpose of this section POLLUTED WATER means water contained in a swimming pool, pond, or other body of water which includes, but is not limited to, bacterial growth, algae, remains of insects, remains of deceased animals, reptiles, rubbish, refuse, debris, papers, and any other foreign materials or matter which because of its nature or location constitutes an unhealthy, unsafe, or unsightly condition.

5. Public burning. The intentional out-door burning of any material, structure, matter, or thing unless otherwise specifically authorized.

6. Refuse and waste. Refuse and waste matter, which by reason of its location and character is unsightly and interferes with the reasonable enjoyment of property by neighbors, detrimentally affects property values in the surrounding neighborhood or community, or which would materially hamper or interfere with the prevention or suppression of fire upon the premises. For the purpose of this section REFUSE and WASTE means unused or discarded matter and material having no substantial market value, and which consists of such materials as: rubbish, refuse, debris, and matter of any kind, including but not limited to rubble, asphalt, concrete, plaster, tile, rocks, bricks, soil, building materials, crates, cartons, containers, boxes, machinery or parts thereof, scrap metal and any other pieces of metal, ferrous or nonferrous, furniture, trimmings from plants and trees, cans, bottles, and barrels.

7. Maintenance of property. It is declared a public nuisance for any person owning, leasing, occupying, or having charge or possession of any premises in this city to maintain the premises in such a manner that any of the following conditions are found to exist thereon:

- (a) Buildings which are abandoned, boarded up, partially destroyed, or left unreasonably in a state of partial construction.
- (b) Unpainted buildings causing dry rot, warping, and termite infestation.
- (c) Broken windows constituting hazardous conditions and inviting trespassers and malicious mischief.
- (d) The accumulation or allowing overgrown and useless vegetation, but not limited to, grasses, weeds, shrubs, and plot line hedges.
- (e) Weeds and grass growth in rocked landscaped areas.
- (f) Driveways containing pot holes or eroded areas.
- (g) Household items, papers, cardboard, vehicle parts, cans, drums, wood, and debris stored in an open carport, to the extent that it creates an eyesore to the abutting resident or residents of the city.

- (h) Landscape not maintained in a healthy growing condition, yard and swale areas void of landscape (grass) or other accepted landscape materials.
- (i) Nothing shall be allowable on the premises in any district that shall in any way be offensive or obnoxious by the emission of odors, gases, dust, smoke, or vibration.
- (j) Septic tank drain fields, failure of drainfields as evidenced by odors, saturated adjacent top soil, or unusual growth of vegetation.

8. Permitted fences and utility sheds. Sheds and fences that are unsightly by reason of disrepair, which includes but is not limited to broken slats, rotten posts, or other missing members, and in a state of dilapidation or arrangement that is deemed unsafe for the purpose they were intended.

9. Maintenance of buildings, and property or sites under development or construction. Property which is maintained in such a condition as to become so defective, unsightly, or in such a condition of deterioration or disrepair that the same causes depreciable diminution of the property values of surrounding property or is materially detrimental to proximal properties and improvements. This includes but is not limited to the following:

- (a) Peeled and unpainted surfaces of buildings including wood and concrete.
- (b) Graffiti covering exterior surfaces.
- (c) Rotted or decayed wood trim.
- (d) Screen enclosures that are required for pools, that contain missing or ripped sections and screening on main building structures with ripped and torn panels.
- (e) Buildings or structures main-tained in violation of the South Florida Code as adopted by the city.
- (f) Landscape not maintained in a healthy growing condition, yard and swale areas void of landscape (grass) or other accepted landscape materials.
- (g) Construction fencing windscreens with rips, holes, tears, discoloration, weathering and or general disrepair.

10. Maintenance of premises. So out of harmony of conformity with the maintenance stand- ards of adjacent properties as to cause substantial diminution of the enjoyment, use, or property values of such adjacent properties.

11. Property affecting tax receipts. Property main-tained (in such relation to surrounding property) so as to establish a prevalence of depreciated values, impaired investments, and social economic maladjustments to such an extent that the capacity to pay taxes is reduced and tax receipts from such particular areas are inadequate for the cost of public services rendered therein.

- (C) Notice to abate. When the Code Enforce-ment Officer or Building Official finds that any premises or property within the city may be main-tained contrary to one or more of the provisions of this section, he shall notify the owner, lessee, occupant, mortgagee, or beneficiary by written notice, served personally or posted on the premises, stating the conditions which constitute the public nuisance and shall order the abatement of the nuisance by a time period consistent with the nature of the violation. Failure to bring about compliance within the time stated shall result in a summons before the Code Enforcement Board, the Special Master, or the County Court. The summons shall be served according to state statutes.
- (D) Abatement by the city. If the person fails to abate the nuisance within the time set forth, the city may proceed to abate the nuisance.
- (E) Record of expenses. The city shall keep an itemized account of the expenses involved in abating the nuisance. The city shall post conspicuously on the property and shall also mail to the owner of the property a statement showing the expense of the abatement, together

with a notice of the time and place when the statement will be submitted to the Commission for approval and confirmation, and at which time the Commission shall consider objections or protests to the cost of the work.

(F) Procedure in case of emergency. When the conditions which constitute the nuisance pose an immediate threat to the public peace, health, or safety, the Commission may order the nuisance abated immediately or take steps itself to abate the nuisance, after adoption of a resolution declaring the facts which constitute the emergency.

(G) Graffiti.

1. No person shall write, paint, or draw any inscription, figure, or mark of any type on any public or private building or other real or personal property, owned, operated, or maintained by a governmental entity or any agency or instrumentality thereof or by any person, firm, or corporation, unless the express permission of the owner or operator of the property has been obtained and any required permits are obtained.
2. No person shall carry an aerosol spray paint can or broad-tipped indelible marker with the intent to violate the provisions of division (G)(1).
3. For the purposes of this section, the term BROAD-TIP INDELIBLE MARKER means any marker or similar implement which contains a fluid which is oil or water based and which has a flat or angled writing surface 1/4 inch or greater.
4. For the purposes of this section, EFFECTIVELY OBSCURE shall mean to clean or remove any and all graffiti and shall not mean the blacking out of and graffiti.
5. Any person convicted of a violation of this division (G) shall be punished by a fine of not more than \$250 for a first offense and of not more than \$500 dollars for a second or subsequent offense, or by imprisonment in the county jail for a term not to exceed 60 days, or by both such fine and imprisonment in the discretion of the court. Where a minor is found to have violated division (G)(1) or (2) or both, the fine imposed by this section shall be assessed against such minor's parents or legal guardian.
6. In addition to any punishment, the court shall order the defendant to make restitution to the victim for damage or loss caused directly or indirectly by the defendant's offense in a reasonable amount or manner to be determined by the court. Where the defendant is a minor, the court shall order the parent or legal guardian of such minor to make such restitution.
7. In addition to any punishment, the court may in its discretion order the defendant to perform monitored community service.
8. Whenever the city becomes aware of the existence of graffiti on an property, including structures or improvements within the city, a code enforcement officer is authorized, upon such discovery, to give or cause to be given notice to remove or effectively obscure such graffiti to the property owner, the property owner's agent or manager, or other person in possession or control of the property.
9. It shall be unlawful for any person or firm owning the property, acting as manager or agent for the owner of property, or in possession or control of property to fail to remove or paint over in any aesthetically acceptable manner any graffiti from such property within ten days from receipt of the notice described in division (G)(8). If the person or firm owning such property, acting as manager or agent for the owner of such property, or in possession or control of such property fails to remove or effectively obscure the graffiti within the time period enumerated above, the city shall cause the graffiti to be removed or effectively obscured and charge the property owner, or property owner's manager or agent, for the expenses incurred by the city. The city may sue in a court of competent jurisdiction to recover such expenses, together with attorney's fees and costs.

10. Any person or firm owning property, acting as agent or manager for the owner of such property, or in possession or control of such property who commits a violation of division (G)(9) shall be punished by a fine of not more than \$500. In deciding the amount of fine to impose, the court shall consider the efforts taken by the violator, if any, to remove or effectively obscure the subject graffiti in a timely manner and how often the violator has been victimized by graffiti during the preceding calendar year. The provisions of this division (G)(10) shall not apply to a property owner, manager, agent, or possessor of property if, in the sole determination of the City Manager or his designee, such property owner, agent, manager, or possessor has been victimized two or more times by graffiti within any calendar year, and, during such time, has removed or effectively obscured such graffiti from the property in a timely manner.

11. There is hereby created the city Anti- Graffiti Trust Fund. Civil penalties assessed against the violators of this section pursuant to the procedures set forth in this section ultimately received by the city shall be placed in the fund. The City Commission shall direct the expenditure of monies in the fund. Such expenditures shall be limited to the payment of the cost of removal of graffiti, the costs of administering this section, and such other public purposes as may be approved by the City Commission by resolution.

(H) Schedule of civil penalties.

1. First offense: \$ 250
2. Second offense: \$500, and/or
3. Imprisonment for not more than 60 days.
4. Any victim who fails to remove or obscure graffiti within the time period prescribed herein shall be fined not more than \$500, to be determined at the discretion of the City Manager or his designee.
5. In addition to any punishment or fine, the court may, in its discretion, order the defendant to perform monitored community service.

## 155.560 LIMITATIONS OF USES

- A. In the B-1, B-2, B-3 and PO zoning district all activities of permitted uses including but not limited to sale, display, storage, preparation shall be conducted within a completely enclosed building unless otherwise stated here within



# ARTICLE 6 DEVELOPMENT STANDARDS

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## 155.600 GENERAL PROVISIONS

- (A) Article 6 is intended to provide standards that regulate the physical layout and design of all development within the City of Pembroke Pines. The provisions of this article shall be in accordance with the regulations set forth in this LDC.
- (B) Nothing in this Article shall obstruct sight distance triangles, fire hydrants, water valves, water meters, sewer clean-outs, trafficway signage and utility maintenance to be performed by the City.
- (C) No buildings, structures, or parts thereof, unless otherwise noted within the provisions of this LDC shall encroach into any required setback.
- (D) Planned development districts as defined in 155.450 – 155.456 may have standards which differ from those herein. Any deviations from City Code must coincide with those district's design guidelines.
- (E) Any use or structure not listed in this Article may go through the interpretation process as outlined in 155.301(L).
- (F) The provisions of this Article include:
1. Access, Loading and Parking
  2. Accessory Buildings and Structures
  3. Bufferyards and Encroachment
  4. Development Design Guidelines
  5. Fences, Walls and Hedges
  6. Landscaping
  7. Lighting
  8. Signs
  9. Supplemental Site Development Standards
  10. Sustainability

## ACCESS, LOADING AND PARKING

### 155.601 GENERAL – ACCESS, LOADING AND PARKING

(A) Purpose

This section is intended to regulate the access, circulation, loading and parking of all properties within the city.

(B) Applicability

The following provisions shall apply to residential and non-residential property unless otherwise specified herein.

(C) General Standards

1. No land which is residentially-used shall be used as a driveway or vehicular access for a non-residential use.
2. All vehicles, trailers, recreational vehicles, boats, special use, or similar vehicle must be parked or stored on a paved surface as defined by Section 155.203, of the City code, unless parked or stored within a fenced area obstructed from view. This section shall be supplemental to any other provision of this code.
3. Uses not specifically listed. The requirements for off-street parking for any uses not specifically listed in this section shall be determined by the Planning and Economic Development Department Director. The applicant may seek an appeal or interpretation of the Director's determination to the City's Planning and Zoning Board as outlined in Article 3.
4. Additional loading, parking, or stacking plans and studies may be required upon application submittal to the Planning and Economic Development Department.
5. Fractional measurements. When units or measurements determining number of required off-street parking and loading spaces result in requirement of fractional space, any fraction shall require a full off-street parking and loading spaces.
6. The placement of loading or parking shall not interfere with the connectivity of the shopping center or community in which it is located.

### 155.602 ACCESS TO GATED COMMUNITIES FOR EMERGENCY VEHICLES

(A) Access gates to gated communities shall be the types approved by the Police and Fire Chiefs.

(B) Access gates shall be provided with a keypad and lockbox entry system and shall be installed in an accessible location. If a coded system is to be used, a coded number will be designated by the Fire Chief and Police Chief for Fire and Police Department entry.

(C) All access gates must be designed to provide automatic entry for police and fire apparatus through the resident entry lane(s) in the form of one electronic remote activation system which

shall be approved by the Police and Fire Chiefs. Said access shall be provided at all entry points to the community.

- (D) All access gates shall be designed to unlock with a readily accessible manual release device.
- (E) During a power failure, all access gates shall be designed to fail in the open position.
- (F) Gated communities that are staffed with security 24/7 are not exempt from the requirements of this section.

## 155.603 GENERAL– OFF-STREET LOADING AND PARKING

- (A) Every building, use, or structure erected after the effective date of this LDC shall be provided with off-street parking facilities in accordance with the provisions of this Article for the use of occupants, employees, visitors, or patrons.
- (B) These off-street parking facilities shall be maintained and continued as an accessory use as long as the main use is continued.
- (C) Parking facilities shall meet landscape requirements for parking areas and parking islands in accordance with 155.661 through 155.663.
- (D) Where a building existed at the effective date of this LDC, that building may be modernized, altered, or repaired, provided there is no increase in floor area or capacity and there is no change of occupancy, without providing additional off-street parking facilities.
- (E) Where a building or use, which existed at the effective date of this LDC is enlarged in floor area, volume, capacity, or space occupied, off-street parking facilities as specified herein shall be provided for the additional floor area, volume, capacity, or space so created or occupied.
- (E) Where a building or use which existed at the effective date of this LDC is changed in use or occupancy, additional off-street parking facilities shall be provided to meet the parking requirements of this article.
- (F) It shall be unlawful for an owner or operator of any building, structure, or use affected by this LDC to discontinue, change, or dispense with, or to cause the discontinuance or reduction of the required parking facilities; apart from the discontinuance, sale, or transfer of that structure or use; without establishing alternative vehicle parking facilities which meet the requirements of this section.
- (G) It is the intent of this Article to require all uses except agricultural to provide off-street parking.

## 155.604 IDENTIFICATION OF FACILITIES; REQUIRED SURFACE

- (A) The required off-street parking facilities shall be identified on the plan submitted to the Planning and Economic Development Department.
- (B) Off-street parking facilities including drive aisle and driveways shall be surfaced with a hard, dustless material and maintained in a smooth, well graded condition.
- (C) The required parking shall be completely accessible by the public during operating hours. Any parking areas not open to the public either behind a gate, wall, fence, etc. will not count toward the required parking as identified in this section.

## 155.605 MINIMUM OFF STREET PARKING REQUIREMENTS

- (A) The off-street parking required by this article shall be provided and maintained on the basis of the following minimum requirements:

Table 155.605 Minimum Parking Requirements		
Use Category	Use Type	Requirement
<b>Residential</b>		
Residences	Dwelling – Mobile Home	2 spaces per unit (16 feet x 20 feet or 9 feet x 35 feet)
	Dwelling – Multi-Family	2 spaces per unit (1 or 2 bedroom)
		2.5 spaces per unit (3 or more bedrooms)
	Dwelling – Single Family	2.5 guest parking spaces per ten units
		2 spaces per unit (16 x 20 feet)
	Dwelling – Single-Family Zero Lot Line	2 spaces per unit (16 x 20 feet)
		2.5 guest parking spaces per ten units
	Dwelling – Two-Family	2 spaces per unit (20 feet x 20 feet)
Dwelling – Town House	2 spaces per unit (1 or 2 bedroom)	
	2.5 spaces per unit (3 or more bedrooms)	
	2.5 guest parking spaces per ten units	
Group Living	College Dormitory	1 space per bed
	Assisted Living Facility or Special Residential or Nursing Home	0.5 space per room
<b>Community Facilities/ Government/ Institutional</b>		
Educational Facilities	School - Elementary or Middle	20% of "population"
	School – High	30% of "population"
	School - University or College	35% of "population"
Government	Library	5 spaces per 1,000 square feet

Table 155.605 Minimum Parking Requirements		
Use Category	Use Type	Requirement
Religious Institution	Religious Institution [1]	8.5 spaces per 1,000 square feet
<b>Commercial</b>		
Automotive, Boats, Equipment and Vehicle sales and service	Car wash - manual	2 spaces per work station   See 155.508
	Service Station	3.5 per 1,000 square feet   155.527
	Vehicle Rental and Trailer Storage	3.5 per 1,000 square feet   155.529
	Vehicle Sales	3.5 per 1,000 square feet   155.505
Animal Related	Veterinary office	3.5 spaces per 1,000 square feet
Office and Professional Services	Office - Call Center	10 spaces per 1,000 square feet
	Office - General	3.5 spaces per 1,000 square feet
Daycare	Adult Daycare	3 spaces per 1,000 square feet
	Day Care Center	3 spaces per 1,000 square feet
Financial Services	Bank	3.5 spaces per 1,000 square feet
Food and Beverage Service	Banquet Hall	10 spaces per 1,000 square feet
	Night Club	20 spaces per 1,000 square feet
	Restaurant	10 spaces per 1,000 square feet
	Restaurant or Outdoor Dining [2]	5 spaces per 1,000 square feet of customer service area
	Food Production / Take Out (No Seating)	3.5 spaces per 1,000 square feet
Health Care Related; Medical Office	Medical – General	5.75 spaces per 1,000 square feet
	Medical – Hospital	2.5 spaces per 1,000 square feet
	Medical – Specialized	3.5 spaces per 1,000 square feet
	Freestanding Emergency Facility	3.5 spaces per 1,000 square feet
Lodging, Visitor Accommodations	Hotel or Motel (Limited Service)	1 space per room
	Hotel (Full Service)	1.25 spaces per room
Personal Services	Personal Services	3.5 spaces per 1,000 square feet
	Mortuary or Funeral Home	5 spaces per 1,000 square feet
Recreation and Entertainment	Amusement Center	5 spaces per 1,000 square feet
	Movie Theater – Freestanding	1 space per 3 seats
	Movie Theater – In Line	1 space per 5 seats
	Bowling Alley	7 spaces per lane
	Fitness Center/Gymnasium	7 spaces per 1,000 square feet
	Specialized Gymnasium	5 spaces per 1,000 square feet
	Stadium or Arena	1 space for every 3 seats

<b>Table 155.605 Minimum Parking Requirements</b>		
<b>Use Category</b>	<b>Use Type</b>	<b>Requirement</b>
	Outdoor Recreational Facility [3]	Varies
	Raquet and Paddle Courts	3 spaces per court
Retail	General	3.5 spaces for every 1,000 square feet
	Home Improvement Center and Furniture Sales	3 spaces for every 1,000 square feet
Other	Instructional Services	3.5 spaces per 1,000 square feet
	Place of Assembly	5 spaces per 1,000 square feet
	Self-Storage	0.5 spaces for every 1,000 square feet
<b>Industrial</b>		
Manufacturing and Production	Manufacturing	1.5 spaces per 1,000 square feet
Storage and Warehousing	Warehouse or Wholesale	1 space per 1,000 square feet
<b>Other</b>		
Miscellaneous	Airport – Hangar	1 space per hangar (up to 50% interior)
	Airport – Tie Down	1 space per every 5 tie-downs
<p>[1] Up to 50% of the required parking may be surfaced with grass or lawn.  [2] This requirement shall apply to outdoor dining that is located within the footprint of the principal building.  [3] Open lot recreational use parking requirements shall be determined by the Planning and Economic Development Director or Designee and such requirements shall be based on the number of people that can reasonably be expected to be on such premises at one (1) time.</p>		

1. Other uses not specifically mentioned above shall meet the off-street parking requirements of the uses listed above which are similar or compatible as determined by the Planning and Economic Development Director or Designee.
2. Staff may request a parking study for uses that do not have a similar or compatible use as determined by the Planning and Economic Development Director or Designee.
3. Mixed uses. In the case of mixed uses, the total requirements for off-street parking shall be the sum of the requirements of the various uses computed separately, and off-street parking space for one use shall not be considered as providing the required off-street parking for any other use.
4. Measurement. For the purpose of this LDC, calculation for parking is measured from the interior walls of the space.
5. Measurement for outdoor dining. Applicants proposing outdoor dining shall provide the Planning and Economic Development department an outdoor dining plan in accordance with 155.519. Upon review, dimensions of the area will be determined.
6. Combined off-street parking. Nothing in this section shall be construed to prevent collective provision for, or joint use of, off-street parking facilities for two or more buildings, adjacent parcels or uses by two or more owners or operations, excluding outparcels. However, the total of those parking spaces when combined or used together shall not be less than the sum of the requirements of the several individual uses computed separately in accordance with this article.

7. Off-street parking for nonconforming use. In the case of a building occupied by a use which is not permitted as a new use in the district in which the building is located, major repairs, substantial alterations, or extensions of use shall be permitted unless and until the off-street parking requirements of this article for a new use of the type involved are applied to existing use and are fully provided for.
8. Parking of commercial vehicles. Off-street parking facilities supplied by the owner or operator to meet the requirements of this article shall not be used by commercial vehicles owned, operated, or used in the business of the owner or operator during regular hours of business.

## 155.606 PARKING SPACE DIMENSIONS

- (A) Each parking space required and provided pursuant to the provisions of this code shall be scaled accordingly and shall contain a minimum of nine feet in width.
- (B) Standard parking spaces must adhere to one of the following consistent with the City's engineering standard which may be amended from time to time (as maintained by the City Engineer):
  - (C) Each parking space shall be directly accessible from a street or alley, or from an adequate aisle or driveway leading to a street or alley. Drive aisle and driveways shall be of sufficient size to permit convenient maneuvering of cars, and each space shall be accessible without driving over or through any other parking space.
  - (D) If provided bollards shall be placed 0.75 feet from the parking space and 5 feet separation between. Bollards shall be 6 inches in diameter made of steel with reflectorized safety paint or other approved sleeve or cover.
- (E) Parking Space Dimensional Chart

Table 155.606: Parking Space Dimensions		
Parking Type	Requirements	
	Dimensions	Specific Regulations
Standard Vehicle	9 by 19 feet	Includes a wheel stop placed 3 feet from curb or edge of pavement.
	9 by 19 feet	Includes bollards placed 0.75 feet from the parking space and 5 feet separation between. Bollards shall be 6 inches in diameter made of steel with reflectorized safety paint or other approved sleeve or cover.

	9 by 16 feet	[1] Additional 3 foot overhang using a "D" curb, no wheel stops.
Compact [2]	8 by 19 feet	Includes a wheel stop placed 3 feet from curb or edge of pavement.
	8 by 16 feet	Additional 3 foot overhang using a "D" curb, no wheel stops.
Parallel	9 by 25 feet	N/A
Angled Parking (varying)	10 feet in width by varying length	N/A
Motorcycle	4 by 9 feet	N/A
<p>[1] Any pervious areas adjacent or perpendicular to any parking space does not count toward the landscape requirements.</p> <p>[2] A maximum of five percent (5%) of the total on-site parking spaces for non-residential developments, and up to ten percent (10%) for residential developments, may be compact parking spaces.</p>		

## 155.607 BICYCLE PARKING FACILITY REQUIRED

(A) Intent. The bicycle parking requirements established in this section are intended to encourage the use of bicycles as a means of transportation in the city. By encouraging the use of bicycles, the public health, safety and welfare will be furthered through improved air quality, reduced energy consumption, and more efficient use of vehicular parking facilities. Bicycle parking facilities shall be installed and maintained by the property owner and are subject to the following provisions:

1. Location. All bicycle parking facilities provided to satisfy the requirements of this section shall be located on the same lot or building site as the uses they serve. Bicycle parking shall be distributed evenly throughout the site and located as close as is practical to the entrance the parking is intended to serve, as determined by staff. Bicycle parking shall be situated so as not obstruct the flow of pedestrians using the building entrance or sidewalk.
2. Design,
  - (a) All bicycle parking facilities shall be permanently fixed.
  - (b) Covered bicycle parking facilities shall be encourage where feasible.
3. Amount Required.
  - (a) Non-residential: Bicycle parking shall be provided at 1 space per 10,000 square feet of commercial area up to 20 spaces.
  - (b) Multi-family: Bicycle parking shall be provided at 1 space per 5 units of up to 20 spaces. A minimum of 2 spaces shall be provided.
4. Exemption. When determined by Planning and Economic Development Director that the proposed development is not conducive to bicycle parking, the Planning and Economic Development Director may grant an exemption from the provision of this subsection.
5. Fractional measurements. When units or measurements determining number of required bicycle parking spaces result in requirement of fractional space, any fraction shall require a full bicycle space.

## 155.608 SHORT-TERM PARKING

(A) Short-term parking may be permitted within multi-tenant non-residential shopping centers. Short-term parking spaces shall be approved via the administrative review process as outlined in 155.301(C) of this LDC. Short-term parking spaces shall be subject to the following provisions:

1. All short-term parking spaces are deemed exclusive and will only be permitted when a parking -surplus exists on the property.
2. All short-term parking must meet minimum design standards of 155.606.
3. Short-term parking must not impede normal traffic flow nor interfere with the operations of emergency equipment.
4. Outparcel buildings and freestanding buildings:
  - i. less than 10,000 square feet may be permitted a maximum of three short-term parking spaces.
  - ii. between 10,000 square feet and 20,000 square feet may be permitted a maximum of five short-term parking spaces.
  - iii. more than 20,000 square feet may be permitted a maximum of ten short-term parking spaces.
5. Office parks or industrial parks may be allotted up to 2% of the total parking on site to be used for short-term parking space.
6. Tenants within Multi- tenant Shopping Centers:
  - i. less than 10,000 square feet may be permitted a maximum of three short-term parking spaces.
  - ii. between 10,000 square feet and 20,000 square feet may be permitted a maximum of five short-term parking spaces.
  - iii. more than 20,000 square feet may be permitted a maximum of ten short-term parking spaces.
7. Location of short-term parking shall not limit or restrict reasonable access to the tenant bays and shall be subject to the review and approval by the Planning and Economic Development Department.

## 155.609 NON-CONCURRENT PARKING

(A) If there is not sufficient parking within a shopping center per code requirements to accommodate a proposed use, the applicant may submit a non-concurrent parking plan. The

plan shall indicate that the amount of parking required based on the hours of operation for all tenants does not exceed the supplied parking at any time.

- (B) Non-concurrent parking agreements shall be reviewed via the Administrative Review process as outlined in Article 3.

## 155.610 OFF-STREET LOADING

- (A) On the same lot with every structure or use hereafter erected or created, there shall be provided and maintained adequate space for loading and unloading of materials, goods, or things, and for delivery and shipping; so that vehicles for these services may use this space without encroaching on or interfering with the public use of streets and alleys by pedestrians and vehicles.

- (B) Off-street loading spaces shall be provided and maintained in accordance with the following schedule:

Table 155.610: Off-Street Loading Space Requirements		
Use	Gross Floor Area or Dwelling Units	Minimum Number of Off-Street Spaces
<b>Residential</b>		
Dwelling – Multi-Family	50 – 100 dwelling units	1 space
	Over 100 dwelling units	1 space; plus 1 space per each additional 100 dwelling units
<b>Commercial / Industrial / Community Facilities</b>		
Retail Store, Storage Warehouse, Wholesale, Industrial Plant; Factory, Freight Terminal, Market, Restaurant, Mortuary, Laundry, Dry Cleaning, or similar	Over 10,000 square feet to 25,000 square feet	1 space
	Over 25,000 square feet to 60,000 square feet	2 spaces
	Over 60,000 square feet to 120,000 square feet	3 spaces
	Over 120,000 square feet to 200,000 square feet	4 spaces
	Over 200,000 square feet to 290,000 square feet	5 spaces
	Over 290,000 square feet	5 spaces; plus 1 space per each additional 90,000 square feet
Auditorium, Convention Hall, Exhibition Hall, Museum, Hotel, Office Building, Sports Area, Stadium, Hospital, or similar	Over 20,000 square feet to 40,000 square feet	1 space
	Over 40,000 square feet	1 space; plus 1 space per each additional 60,000 square feet

- (C) Where any structure is enlarged or any use is extended so that the size of the resulting occupancy comes within the scope of this section, the full amount of off-street loading space shall be supplied and maintained for the structure or use in its enlarged or extended size. Where the use of a structure or land or any part thereof is changed to a use requiring off-street loading space under this section, the full amount of off-street loading space shall be supplied and maintained to comply with this section.
- (D) For the purposes of this section, an off-street loading space shall be an area at the grade level at least 10 feet wide by 25 feet long, with 14-foot vertical clearance. Each off-street loading space shall be directly accessible from a street alley without crossing or entering any other required off-street loading space, and arranged for convenient and safe ingress and egress by motor truck or trailer combination. The loading space shall also be accessible from the interior of any building it is intended to serve.
- (E) Off-street loading facilities supplied to meet the needs of one use shall not be considered as meeting off-street loading needs of any other use.
- (F) No area or facilities supplied to meet the required off-street parking facilities for a use shall be utilized for or be deemed to meet the requirements of this article for off-street loading facilities.
- (G) Nothing in this section shall prevent the collective, joint, or combined provision of off-street loading facilities for two or more buildings or uses, provided that the off-street loading facilities are equal in size and capacity to the combined requirements of the several buildings or uses and are so located and arranged as to be usable thereby.

## 155.611 DRIVE-THRU STACKING SPACES

- (A) Drive-Thru facilities shall comply with the following regulations:
1. Inbound vehicle spaces shall be counted from the first stopping point, such as a menu board.
  2. Outbound vehicle spaces shall be counted from the last vehicle stopping points, such as the service window.
  3. Vehicle stacking lanes shall be a minimum of 10 feet wide and 20 feet in length per required vehicle.
  4. Vehicle stacking space shall not encroach upon main vehicle drive aisle or block adjacent parking spaces and pedestrian walkways.
  5. Stacking lanes and their circulation shall include escape lanes at logical and functional locations for drive-thru uses.
  6. Escape lanes may be provided before the ordering station/menu board where possible dependent upon the site layout.
  7. Drive-thru facilities and automatic carwash facilities must provide inbound and outbound stacking spaces as follows. If a drive-thru property does not meet one of the categories below, then a stacking study shall be required to be performed by the applicant and

reviewed by the City Engineer for conformity with this LDC and the City engineering standards.

<b>Table 155.611: Minimum Drive-Thru Stacking Spaces</b>		
<b>Type of Facility (Per Lane)</b>	<b>Inbound Vehicle Spaces</b>	<b>Outbound Vehicle Spaces</b>
Bank	3	1
Beverage / Food	5	2
Car Wash Automatic as an Accessory	8	3
Car Wash Automatic with Attendant	18 [1]	5
Laundry	3	1
Pharmacy	2	1
[1] Car Wash Automatic with Attendant shall be required 18 total inbound vehicle spaces for the site.		

## 155.612 VALET PARKING REGULATIONS

(A) Any applicant proposing valet parking shall describe the specific storage areas for valet vehicles for each proposed and/or existing use, shall undergo the development review process in accordance with Article 3 of this Code. All parking for the storage of valet vehicles must be in excess of required parking for the property served by the valet parking. The Planning and Zoning Board shall make a determination on whether or not the location for the storage of vehicles interferes or impedes with the use of the parking lot for the customers, employees or owners of the other businesses in the center.

(B) The property owner must provide a valet parking plan to identify the following:

1. An operations plan.
2. Location of parking exclusively reserved for valet use.
3. Valet Loading zones.
4. Valet Queuing spaces.

## 155.613 COMMERCIAL VEHICLE PARKING.

(A) Parking of commercial vehicles; exceptions. No person shall park, cause to be parked, or allow to be parked upon property owned or under the control of that person, or in the streets, alleys, or parkways of the city, any commercial vehicle or trailers having a length greater than 30 feet measured from the hitch to the rear of the trailer, tractor trailers, tow trucks, trucks having a box cabinet, a platform, a rack, a lifting device, a ladder or bucket or aerial device, a refrigerated box, a utility bed, or having any other equipment for the purpose of carrying goods

other than personal effects of passengers or performing any work of a commercial nature. The provisions of this section shall not apply to:

1. Public Safety Vehicles
  2. Agricultural or industrial zoning districts.
  3. Private property, whereon construction is under way, for which a current and valid building permit has been issued by the city as to those vehicles actively engaged in the construction.
  4. Those persons performing lawful and authorized work upon the premises where the vehicle is parked.
  5. Personal motor vehicles in residential neighborhoods outside of enclosed carports and garages.
  6. Any vehicle that is parked entirely inside a garage or is parked in a carport, where no part of the vehicle extends outside the roofline of the carport.
  7. Any vehicle that is concealed by a fitted opaque vehicle cover on a permitted paved surface. The vehicle cover must be in good condition, with no rips or tears and no signs of weathering or deterioration. This shall not apply to commercial vehicles exceeding 10 feet in height.
  8. Any vehicle that is parked behind a fully opaque permitted fence within the side setback of the lot. This shall not apply to commercial vehicles exceeding 10 feet in height.
  9. Any vehicles with commercial copy or lettering that is concealed and no exposed equipment.
- (B) Temporary parking. Nothing herein is to prohibit the reasonable parking and use of any vehicle or equipment at a location while performing lawful and authorized work, public or private, at the location, including:
1. Tradesman performing service work or making deliveries of merchandise.
  2. Public utility service work.
  3. Temporary parking for the purpose of and while actually loading; or unloading of a vehicle in preparation for or upon return from the use of that vehicle; providing, however, that any vehicle so parked shall be kept in the driveway where possible.
- (C) Permitted nonresidential uses. Permitted nonresidential uses may utilize and park on their premises such commercial or other vehicles as may be necessary and customary for those uses, but this provision shall not be construed to permit the parking or storage of school buses for private or parochial schools.
- (D) Non-accessory commercial vehicles. Commercial vehicles, other than those accessory to a permitted use, shall not be parked or stored in any property located in a B-1, B-2, or B-3 District. A lot occupied as a service station may have stored thereon not over three non-accessory commercial vehicles, bearing a valid state commercial vehicle license, or which would require such a license plate if licensed in the state, except commercial vehicles which would require a state non-GW license.
- (E) Parking of commercial vehicles, trucks, or trailers prohibited by this section on the street is prohibited, unless the vehicle is necessary to provide service to an adjacent property and such

service is actively being performed, or the vehicle is being actively loaded or unloaded. Violators may be issued a parking citation pursuant to Ch 70, of the City code.

## 155.614 ELECTRIC VEHICLE PARKING

- (A) Regulation of electric vehicle charging stations is preempted to the State pursuant to Section 366.94, F.S.

## 155.615 RECREATIONAL VEHICLES - PARKING

- (A) The following regulations shall apply to recreational vehicles, special purpose vehicles, boats, and utility trailers:
1. No recreational vehicle, special purpose vehicles, or utility trailer exceeding ten feet in height from grade shall be permitted to be parked or stored on residentially zoned property.
  2. No boat inclusive of the trailer in which is stored on exceeding fourteen feet in height from grade shall be permitted to be parked or stored on residentially zoned property.
  3. No special purpose vehicles shall be permitted to be parked or stored in residentially zoned property except in an enclosed garage.
  4. No more than one recreational vehicle, one boat, and one utility trailer shall be parked or stored upon residentially zoned property. A boat adjoined to a boat trailer, or structure designed to be mounted upon or carried by another vehicle, when so mounted, shall be considered one unit for the purpose of this section.
  5. All recreational vehicles, boats, and utility trailers shall be parked or stored in the side or rear setbacks of residentially zoned property whenever possible. It shall be considered impossible to park or store the recreational vehicles, boats, or utility trailers in the side or rear setbacks if to do so would require encroachment upon the property of adjacent owners.
  6. In the event it shall be impossible to park or store a recreational vehicle, boat, or utility trailer in the side or rear setbacks, then said recreational vehicle, boat, or utility trailer may be parked or stored on the driveway, not less than seven feet from the front property line.
  7. In the event a recreational vehicle, boat, or utility trailer cannot be parked or stored on the driveway as provided in (A) (5) of this section, then the recreational vehicle, boat, or utility trailer may be parked or stored in the front setback, parallel to the main structure, provided it is parked or stored on a paved surface and that no part of the recreational vehicle, boat, or utility trailer may extend beyond the paved surface. In no event shall any such vehicle be permitted to be parked in the swale.
  8. No separate unit intended to be mounted upon a truck for the purpose of converting that truck into a recreational vehicle shall be stored in the front setback of residentially zoned property.

9. All vehicles herein permitted shall have affixed thereto a currently valid license tag registered to the vehicle; shall be parked or stored with wheels and tires mounted; and shall be maintained in a movable condition.
10. No recreational vehicle, boat, or structure designed to be mounted upon and carried by another vehicle shall be used as an accessory building; occupied in any manner; or connected to any utility or electrical service, except as necessary to repair or maintain that vehicle, boat, or structure.

## ACCESSORY BUILDINGS AND STRUCTURES

### 155.620 GENERAL – ACCESSORY BUILDINGS AND STRUCTURES

#### (A) Purpose

This section is intended to regulate the location, height, and appearance of Accessory Buildings and Structures.

#### (B) Applicability

Accessory buildings and structures as outlined in the provisions of this article shall include, but are not limited to, the following:

1. Accessory Buildings, including but not limited to:
  - (a) Sheds
  - (b) Private Detached Garages
  - (c) Storage Containers
  - (d) Accessory Dwelling Units
2. Free standing open sided structures, which may be permanent or temporary, including but not limited to:
  - (a) Gazebos
  - (b) Trellises
  - (c) Chickee Huts
  - (d) Pergolas
  - (e) Canopies
3. Pools
4. Residential Driveways
5. Walkways
6. Decks and Patios
7. Docks
8. House Trailers
9. Screen Enclosures
10. Portable Storage Units
11. Sculptures and Statues
12. Fences and walls, reference 155.655
13. Artificial Turf

#### (C) General Standards

1. Unless otherwise noted herein, a residential lot may have one of each of the following accessory buildings and structures:
  - (a) Shed
  - (b) Private Detached Garages
  - (c) Free standing open sided structures
  - (d) Accessory Dwelling Unit
2. Lot coverage. Accessory buildings and structures constructed, with solid roofs, in accordance with the provisions of this section shall be subject to the lot coverage standards of the zoning district in which the structure is located.
3. Accessory Buildings and Structures Table

Table 155.620 Accessory Building and Structures								
	Type	Setback				Maximum Height	Maximum Dimensions	Additional Regulations
		Front	Side	Street Side	Rear			
Accessory Buildings	Accessory Dwelling Unit (ADU)	Primary Building or 24 feet, whichever is less	Minimum 300 square feet. Maximum 1,000 square feet	Sec. 155.621(A)1.(g)				
	Shed	Primary Building	5 feet	15 feet	5 feet	Primary building or 24 feet, whichever is less	[1] 100 square feet [2] 200 square feet if located in A or R-E.	[2] If over 200 square feet it shall meet primary building setbacks
	Private Detached Garage	Primary Building	5 feet	15 feet	5 feet	Primary building or 24 feet, whichever is less	Not to exceed the size of the primary building.	[1] Shall not be prefabricated. [2] 8 foot wide garage door required [3] 15 feet minimum width required for vehicular access and connection to the roadway.
	Portable Storage Unit	In Driveway	In Driveway	In Driveway	N/A	10 feet	130 square feet	Sec. 155.625
	Structures for Livestock and Poultry							Sec. 155.510
Accessory Structures	Open Sided Structure (Free Standing)	Primary Building	5 feet	15 feet	5 feet	Primary building or 24 feet, whichever is less	200 square feet	When located in A or R-E it may exceed 200 square feet and shall meet the

Table 155.620 Accessory Building and Structures								
	Type	Setback				Maximum Height	Maximum Dimensions	Additional Regulations
		Front	Side	Street Side	Rear			
								setbacks of the primary building
	Non-Roofed Structure (attached)	Primary building	5 feet	15 feet	5 feet	Primary building	N/A	N/A
	Pool	Primary Building	5 feet to waterline	15 feet to waterline	5 feet to waterline	N/A	N/A	N/A
	Pool, Therapeutic	Primary Building	2 feet	15 feet	2 feet	N/A	N/A	N/A
	Driveway, Circular*	0 feet	5 feet	15 feet 155.600(B)	N/A	N/A	40% lot coverage.. 40 % width of lot	[1] Shall include 5 foot radius between driveway and lot line. [2] 10 foot minimum width
	Driveway, Typical Lot	0 feet	5 feet	15 feet 155.600(B)	N/At	N/A	40% front lot coverage 40 % width of lot	[1] 10 foot minimum width
	Driveway, Zero Lot Line	0 feet	0 on the zero side, 5 feet on the nonzero side	15 feet 155.600(B)	N/A	N/A	40% front lot coverage 40% Width if lot	[1] 10 feet wide minimum
	Walkway (Single Family Lots)	N/A	2 feet	5 feet	5 feet	N/A	3 feet in width	} If over 3 feet in width a 5 foot side setback is required
	Deck or Patio*	Primary Building	5 feet	5 feet	5 feet	N/A	N/A	N/A
	Artificial Turf*	Primary Building	5 feet	5 feet	5 feet	N/A	N/A	155.621(f)

Table 155.620 Accessory Building and Structures								
	Type	Setback				Maximum Height	Maximum Dimensions	Additional Regulations
		Front	Side	Street Side	Rear			
	Screen Enclosure	Primary Building	5 feet	15 feet	5 feet	Primary building	N/A	N/A
	Roofed Structure (attached)	Primary Building	N/A	N/A				
	Sculpture or Statue	Primary Building	Scale to be determined upon review	155.626				
	Liquefied Petroleum (LP) Tanks (above ground)	Primary Building	5 feet	15 feet	5 feet	N/A	N/A	N/A

\* Structures at grade shall not to encroach greater than two feet into the seven-foot easement on a zero lot line property.

(D) Exemptions

1. Section 102.2(H) of the Florida Building Code waives the building permit requirements for Chickee Huts constructed by the Miccosukee Tribe of Indians of Florida or the Seminole Tribe of Florida. All Chickee Huts constructed by the Miccosukee Tribe of Indians of Florida or the Seminole Tribe of Florida.
2. Chickee Huts shall comply with the setbacks, height, and dimensions of free-standing open-sided structures in table 155.620.

## 155.621 SUPPLEMENTAL REGULATIONS FOR ACCESSORY BUILDINGS AND STRUCTURES

(A) The following regulations are supplemental to the standards identified in 155.620.

1. Residential Districts
  - (a) Accessory buildings and structures located within the (R-MH) district shall be located at least 4 feet from any side lot line, and at least 5 feet from any rear lot line.
  - (b) For waterfront lots located within developments approved under the design criteria of (R-1Z) single family zoning districts, accessory structures at grade shall be allowed to extend to the zero setback side property line, excluding structures with a roof.
  - (c) Structures with roofs may extend to the zero setback side property line if a six foot high concrete block privacy wall is installed along the entire length of the accessory structure.

(d) Pool Barriers

- i. Swimming pool barriers shall be permanently affixed.
- ii. Swimming pool safety barriers shall include either a screened enclosure, a fence, a concrete block wall, a body of water or other barrier.
- iii. Physical pool barriers shall be no less than four feet in height.
- iv. The safety barrier shall be erected either around the swimming pool or around the premises on which the swimming pool is located. In either event, it shall enclose the area entirely, prohibiting unrestrained admittance to the enclosed area.
- v. Gates shall be self-locking and comply with 155.655.
- vi. Safety barriers shall meet all applicable State Statutes' and building codes as amended from time to time.

(e) Decks that are connected to a dock shall be permitted within the rear setback, however, the portion of the deck within the rear setback shall not exceed width of the dock.

(f) Artificial Turf

- i Proper drainage shall be provided for all artificial turf installations to prevent excess runoff or pooling of water.
- ii Nothing in this chapter shall be construed to prohibit the installation of synthetic turf that complies with Department of Environmental Protection ("DEP") standards adopted pursuant to Section 125.572, Florida Statutes, as amended, on single family residential properties that are one (1) acre or less in size.

(g) Accessory Dwelling Unit (ADU)

- i Purpose: Accessory dwelling units are a recognized element of our neighborhoods and provide a variety of housing types. The following standards allow the continuation and establishment of this housing type in a manner consistent with the surrounding development. The provisions of this section do not override any deed restriction or homeowners' association declarations restricting accessory dwelling units; however the City has no authority to enforce such restrictions.
- ii Applicability: Establishment or expansion of a lawful accessory dwelling unit shall be subject to the following requirements:
  - 1 An accessory dwelling unit is permitted only as accessory to, and on the same lot as, a single-family dwelling, and are not permitted as accessory to a two-family dwelling, multifamily dwelling, or mobile home dwelling.
  - 2 Not more than one accessory dwelling unit per lot is permitted.
  - 3 An accessory dwelling unit may be within or attached to the principal dwelling (e.g., a downstairs apartment), or exist within or as a detached structure (e.g., an apartment above a detached garage or a guesthouse). An accessory dwelling unit attached to the principal dwelling shall have an operative interconnecting door with the principal dwelling and shall have principal access only from the side or rear yard of the principal dwelling.
  - 4 The use of a mobile home, recreational vehicle, or a similar vehicle as an accessory dwelling unit is prohibited.
  - 5 An accessory dwelling unit shall not be permitted before construction of the principal building has commenced or a lawful principal use is established.

- 6 An accessory dwelling unit shall be subordinate to the principal use with respect to building height, building area, and building coverage.
  - 7 An accessory dwelling unit shall not be permitted on properties which are serviced by septic.
- iii Lot requirements: Establishment of a new accessory dwelling unit shall only be allowed if:
- 1 The lot complies with the current minimum lot area requirements for the zoning district and remains under common ownership.
  - 2 A lot containing an accessory dwelling unit shall not be subdivided to separate the accessory dwelling unit from the principal use, unless such division can meet all applicable standards of the zoning district and land development regulations.
- iv Building requirements.
- 1 The floor area of any accessory dwelling unit shall not be less than 300 square feet square feet or exceed 1,000 square feet in area. and all areas under roof must be less than the floor area of the principal dwelling unit. For detached accessory dwelling units, this limit shall apply to the combined square footages of the accessory dwelling unit and any accessory living space within the same building, including any areas used for storage, bathrooms, or shared laundry facilities (excluding any enclosed parking spaces).
  - 2 An ADU shall operate as a fully functional residence, complete with kitchen, bathroom, and living and/or bedroom quarters.
  - 3 A paved walkway at least two feet in width shall connect the main entrance of the accessory dwelling unit with the off-street parking spaces.
  - 4 The building containing an accessory dwelling unit shall be compatible with the style of the building containing the principal use, including finishes, roof pitch, and paint scheme.
  - 5 Where an attached garage on the front façade of a structure is converted to an accessory dwelling unit, the garage door shall be removed, and the enclosure must be architecturally compatible with the style of the building including finishes and color scheme.
  - 6 All accessory dwelling units shall be permitted and comply with the Florida Building Code.
- v Parking and accessibility. Accessory dwelling units shall be subject to the following parking standards:
- 1 One paved off-street parking space shall be required on the lot for the accessory dwelling unit. This space shall be in addition to the required parking required for the principal building. For purposes of this section, paved shall be defined as concrete, pavers, or asphalt.
  - 2 Required off-street parking spaces must be provided within a paved driveway and be located entirely on the property.

## 2. Non-Residential Zoning Districts

- (a) Accessory buildings and structures as outlined in this article shall meet the setbacks of the district in which they are located.

- (b) Accessory buildings and structures shall not exceed the height or size of the primary building.

## 155.622 DOCKS

(A) Docks may be permitted in any residential district on any waterway as an accessory use to a residential use. The following standards shall apply to docks:

1. No boat landing, dock, pier, or mooring pile shall be constructed on a parcel of land which abuts or adjoins a body of water, the width of which body of water is less than 100 feet between the mean water's edge when measured perpendicular to the lot at any point of construction.
2. No boat landing, dock, pier, or mooring pile shall be constructed on a lot which abuts or adjoins a body of water so that it extends as follows:
  - (a) Into the body of water more than 10% of the width of the body of water, when the width of the body of water is measured between the mean water's edge perpendicular to the lot at any point of construction.
  - (b) More than 20 feet beyond the mean water's edge, whichever of one or two is more restrictive and provides for the smaller dock.
3. No boat landing, dock, pier, or mooring pile shall be more than 20 feet in width, running parallel to the shore line, and in no case shall the total area of the dock exceed 300 square feet, nor shall the dock be at an elevation higher than 6.0 NGVD.
4. No boat landing, dock, pier, or mooring pile shall be constructed without a permanent connection to the land.
5. No more than one dock shall be erected on any lot or adjacent thereto. On lots having more than one building, no more than one dock shall be erected for each building fronting on a waterway.
6. No boat landing, dock, pier, or mooring pile shall be constructed so as to encroach upon the side setback.
7. No cover shall be permitted to be erected in connection with a boat landing, dock, pier, or mooring pile.
8. No ramps for boats or aircraft shall be constructed on any residential lot.
9. Approval must be obtained from applicable drainage districts for docks located in a maintenance or drainage easement.

## 155.623 TRASH AND RECYCLING FACILITIES

- (A) The provisions of this section are subject to the development review process outlined in Article 3.
- (B) All dumpsters, trash containers, and contents thereof shall be stored or concealed by means of fences, walls or opaque landscaping so as not to be visible from any street or adjoining lot.

- (C) All screening methods shall be finished to match surrounding construction or landscape.
- (D) Dumpsters: Outdoor collection stations shall be provided for garbage and trash removal when individual collection or indoor storage is not provided. All areas or receptacles for the storage and disposal of trash, garbage, or vegetation, such as dumpsters and trash compactors, shall meet the following standards. These provisions shall not apply to litter containers provided for convenience of pedestrians.
1. Access. Access to indoor or outdoor collection stations shall be such that the removal vehicle need not make unnecessary turning or backing movements.
  2. Distance. When required, dumpsters shall be provided within 250 feet from the main entrance (or center of the building, if appropriate) of each principal building.
  3. Setback. The minimum setback for dumpsters from other residential property lines shall be 25 feet.
  4. Screening. All dumpsters or receptacles for the storage and disposal of trash or garbage shall be screened by a solid opaque enclosure constructed of brick, concrete, concrete block, or other material, consistent with the architectural character of the development or principal building. The open end of the enclosure shall have an opaque gate. All exterior sides of such enclosure, except the open end, shall be landscaped with shrub material, a minimum of 24 inches in height, spaced 24 inches on center at planting, or an alternative acceptable to the Planning and Zoning Board.
  5. Alternative methods of solid waste collection, such as centrally located compactors, trash collection at each door or unit, or trash chutes with enclosed dumpsters and roll out pads, may be substituted for dumpsters subject to the approval of the Planning and Zoning Board.

## 155.624 HOUSE TRAILERS

- (A) A house trailers shall not be a permitted accessory dwelling unit.
- (B) No person shall park, store, or occupy a house trailer for living purposes except:
1. On a parcel of land, not less than ten acres in area, which is zoned agricultural, and which is used for the growing of fruit, vegetables, produce, sod, or crops, and where the use of the house trailer is accessory to the agricultural use.
  2. For a period not in excess of six months, on property for which a building permit for the construction of a permanent dwelling has been obtained, which construction is actively carried forward to completion within the aforesaid six months.
  3. On property which is zoned R-MH, a house trailer may be occupied as a single-family dwelling, provided the lot conforms to all of the requirements of 155.423.
- (C) A house trailer may be used as a temporary office or shelter incidental to construction on, or development of, the premises on which the trailer is located.
- (D) Except as provided herein, no house trailer shall be parked or stored on residentially zoned property, except in a private detached garage or other accessory building.

## 155.625 PORTABLE STORAGE UNITS

### (A) Location of portable storage units.

1. Portable storage units may be temporarily located in single-family zoning districts so long as they shall be placed only in the driveway, are not located in the right-of-way and do not obstruct the sidewalk.
2. Portable storage units may be allowed in multi-family zoning districts only upon the applicant demonstrating, to the satisfaction of the city, that the specific location and site has sufficient space to place a portable storage unit and continue to provide adequate parking, public safety access and comply with all health, safety and welfare concerns.
3. Sites in residential zoning districts are governed by the provisions of this

### (B) Size of portable storage units. The portable storage unit shall be no larger than 130 square feet in area and no higher than ten feet from grade.

### (C) Permits.

1. Prior to commencing business in the city, or otherwise placing portable storage units on sites within the city, the portable storage company must obtain an annual permit, at a fee of \$500, from the city outlining the obligations and requirements prior to conducting business in the city.
2. The portable storage company, which has obtained an annual permit to conduct business in the city, shall provide the user, at the point of purchase, with written information detailing the user's rights and obligations under this section. The portable storage company shall further provide such information to users who access the company's services by telephone, the Internet or other means. The city will provide the portable storage company the information; the portable storage company shall provide copies to the user at the portable storage company's expense.
3. Zoning approval is required for the placement of a portable storage unit on a residential site for any time period greater than 14 days. The owner/ occupant may apply for zoning approval when there is an active building permit on the subject property. Application for the zoning approval shall be made to the city on a form provided by the city.
4. The site owner is required to sign the zoning approval application in order to ensure that the site owner consents to the placement of the portable storage unit on the site and acknowledges the zoning approval requirements of this section.
5. No permit or fee is required for the first 14 days.
6. The exterior of the portable storage unit shall have a weatherproof clear pouch which must display the zoning approval letter at all times.
7. A portable storage unit shall have no signage other than the name, address and telephone number of the person or firm engaged in the business of renting or otherwise placing the portable storage unit. The sign must be permanently adhered to, or painted on, the portable storage unit.
8. Portable storage unit zoning approvals will not be granted to any portable storage unit company or site property owner or occupant, which is found to be in violation of the regulations of this section until such violation is brought into compliance.
9. The Planning and Economic Development Department is delegated with the authority to monitor progress and extend the amount of days a portable storage unit is on site.

(D) Duration.

1. A portable storage unit may remain at a site for up to 14 days without a zoning approval.
2. Zoning approval is required for the placement of a portable storage unit remaining at a site longer than 14 days, up to a maximum time period of 30 days unless otherwise approved by the Planning and Economic Development Department. The portable storage company shall affix a placard, visible to public view, on each storage unit specifying the date on which the unit was delivered to the site. All portable storage units must maintain public safety access and comply with all health, safety and welfare concerns.
3. The homeowner may apply for an extension beyond 30 days within the time period as provided in the permit. Such application shall include a scope of work and justification for an extension of days. The Planning and Economic Development Department shall monitor progress of the building permit through inspections and has the authority to grant additional 30 day increments or more, depending on the inspections and review of the residential property.
4. The Planning and Economic Development Department may rescind zoning approval after conducting an inspection of the residential property.

(E) Maintaining Portable Storage Units.

1. The portable storage unit company shall be responsible to ensure that the portable storage unit is in good condition, free from evidence of deterioration, weathering, discoloration, rust, ripping, tearing or other holes or breaks.
2. When not in use, the portable storage unit shall be kept locked.
3. The owner/occupant of any site on which a portable storage unit is placed shall also be responsible for ensuring that no hazardous substances are stored or kept within the portable storage units.
4. In the event of a hurricane warning, as defined by the National Oceanic and Atmospheric Administration (NOAA) the portable storage unit company shall use their best efforts to contact customers and remove storage units in a timely manner prior to the storm.

(F) Violations.

1. It shall be unlawful for any owner/ operator of a portable storage unit company to place or permit the placement of a portable storage unit on a site within the city without first obtaining an annual permit and a zoning approval from the city.
2. A portable storage company that places or allows the placement of a portable storage unit on a site without first obtaining an annual permit as required by this section shall be provided a grace period of one business day from delivery of the portable storage unit to remove the portable storage unit or obtain an annual permit.
3. A person who allows a portable storage unit to remain at a site for longer than 14 days without first obtaining a zoning approval as required by this section shall be provided a grace period of one day from the fourteenth day of the placement of the portable storage unit to remove the portable storage unit or to obtain zoning approval.
4. Should the person or company in violation of the regulations of this section fail to obtain a permit or remove the portable storage unit at the termination of the grace period, the person or company shall be considered in violation of the code.
5. It shall be unlawful for a portable storage unit to remain at a site in excess of the time periods permitted under this section. Each day that any such portable storage unit remains

at a site in violation of the provisions of this section shall constitute a violation against the portable storage company, and against the owner of the site.

## 155.626 SCULPTURES AND STATUES

(A) Sculptures and statues shall be considered permanent accessory structures on non-residential property and shall be architecturally compatible with surroundings.

(B) Sculptures and Statues shall not:

1. Be used for the purpose of advertising or signage.
2. Exceed the height of the primary building.
3. Be internally illuminated

(C) The size of sculptures and statues shall be determined based on the scale by staff during plan review.

## 155.627 NONCONFORMING STRUCTURES

(A) The provisions of this section are intended to apply only to nonconforming uses, and are not intended to apply to legally permitted buildings, structures, and their lots, existing at the effective date of this LDC which do not meet the regulations of this LDC for height, yards, lot size, lot area coverage, separation, or other similar dimensional requirements or limitations. Any additions, extensions, or alterations to such existing buildings or structures shall comply with all applicable provisions of this article.

(B) Repair, alteration, or enlargement.

1. No structure utilized for a nonconforming use shall be enlarged, extended, reconstructed, or structurally altered, unless the use is changed to one which complies with the provisions of this LDC.
2. Repairs, maintenance, and improvement may be carried out in any one year in an amount not to exceed 25% of the assessed value of the structure for that year; provided that the work does not increase the cubical content of the building nor the floor area devoted to the nonconforming use, nor increase the number of dwelling units.
3. Nothing in this section shall prevent compliance with applicable laws or resolutions relative to the safety and sanitation of a building occupied by a nonconforming use.

(C) Reconstruction after catastrophe. If any nonconforming structure, or building in which there is a nonconforming use, is damaged by fire, flood, explosion, collapse, wind, war, or other catastrophe to such an extent that the cost of rebuilding, repair, and reconstruction will exceed 75% of the replacement cost of the building or structure, it shall not be again used or reconstructed except in full conformity with the regulations of the district in which it is located.

- (D) Continuance. Any legal nonconforming use or structure may remain until modified or altered.
- (E) Unlawful use not authorized. Nothing in this LDC shall be interpreted as authorization for, or approval of, the continuation of the use of the structure or premises in violation of any resolution in effect at the effective date of this LDC.
- (F) Illegal use. The casual, temporary, or illegal use of land or a building shall not be sufficient to establish the existence of a nonconforming use or to create any rights in the continuance of such a use.

## **BUFFERYARDS, ENCROACHMENT AND SCREENING**

### **155.630 GENERAL – BUFFERYARDS AND ENCROACHMENT**

- (A) Purpose. This section is intended to establish additional criteria for bufferyards and encroachment within residential and nonresidential lots within the city.
- (B) Applicability
1. The following subsections will establish additional lot configuration criteria and limitations for non-residential or residential properties.
  2. This section shall not apply to free-standing telecommunication facilities.
- (C) General Standards. Any property requiring a bufferyard shall provide a maintenance plan indicating which property owner is the responsible for the general maintenance of bufferyard. Maintenance includes but it not limited to landscaping, lighting, and utilities, and fences or walls.

### **155.631 MINIMUM BUFFERYARD REQUIREMENT – NON-RESIDENTIAL**

Unless otherwise noted within the LDC, bufferyards shall be a minimum of 10 feet wide along all non-residential property lines. All bufferyards shall be fully landscaped in accordance with the provisions outlined in 155.656-155.682.

### **155.632 BUFFERYARD BETWEEN RESIDENTIAL AND NON-RESIDENTIAL**

- (A) Applicability.
1. The provisions of this section shall apply to proposed non-residential development adjacent to a developed or site plan approved residential site.

2. If a residential site is proposed adjacent to an existing non-residential site, the provisions of this subsection shall not apply.

(B) The goal of the bufferyard is to accomplish the following:

1. To better reinforce compatible development with adjacent residential and non-residential land uses, particularly low-density residential uses through proper land use transitions and buffering techniques;
2. To provide more adequately for the proper site for non-residential accessory uses such as loading, refuse storage, parking, mechanical equipment and exterior lighting that can be the cause for noise, dust, glare, and other nuisances or inconveniences in proximity to low-density residential areas;
3. To provide unobstructed minimal space for fire access, driveways, and service roads to service non-residential activities; and
4. To provide unobstructed space for adequate landscaping to screen and/or soften the visual impact of non-residential uses that adjoin residential settings.

(C) Bufferyard characteristics.

1. Bufferyards shall be a minimum of 100 feet wide on all adjacent sides exclusive of street facings. At a minimum the first 50 feet shall be dedicated to landscaping to permit minimum space for the creation of landscape berm, mounds, and the planting of vegetation including shade trees and hedge materials.
2. The following is permitted in bufferyards, only in areas which lie beyond the required landscaped portions of the bufferyard area:
  - (a) Drainage easements.
  - (b) Fences, walls and hedges;
  - (c) Parking;
  - (d) Service drives;
  - (e) Sidewalks or Walkways
  - (f) Television antennas, satellite dishes;
  - (g) Utility easements;

(D) Alternative Bufferyard.

1. For new site plan applications, the Planning and Zoning Board may approve other means of buffering including, but not limited to, a solid masonry wall, which shall be a minimum of six feet in height,
2. For amendments, to non-residential site plans, the Planning and Zoning Board may approve other means of buffering when one of the following apply:
  - (a) The previously approved bufferyard is being reduced in size; or
  - (b) The scope of the site plan amendment includes demolition of more than 50% of the previously approved structure on a site or plat of land regardless of ownership.
3. All landscape areas shall be established beyond any and all required utility, drainage, or other easements that would compromise the establishment of dense landscaping without interfering with utilities.

## 4. Landscaping requirements

1. One shade tree of a height not less than 12 feet with a three inch caliper trunk measured at a height of four and one half feet above grade shall be planted for each 500 square feet of landscaped bufferyard. Provided, however, one-half of the required trees may be other landscaped material if it complies with the requirements of this section as determined by the Planning and Zoning Board.
2. The final landscape design shall provide an effective visual screen between the two uses within three years of planting. Hedge materials and suitable ground cover shall be provided. Hedging shall be planted to a height not less than two feet at installation. Irrigation shall be required in all landscaped areas.
3. Grass seeding shall be provided during the initial phases of site development to mitigate against the nuisance factors that occur during large-scale construction.

## 155.633 PINES BOULEVARD CORRIDOR – BUFFERYARD

(A) The following bufferyards shall be established for all properties adjacent to Pines Boulevard as outlined in the *Pines Boulevard Corridor Study and Manual of Design Guidelines*:

1. Properties located east of University Drive shall have a minimum 15' landscape buffer between the right-of-way and the base building line.
2. Properties located west of University Drive shall have a minimum 40' landscape buffer between the right-of-way and the base building line.

## 155.634 SETBACK ENCROACHMENT REGULATIONS

(A) Every part of every required setback shall be open and unobstructed from the ground to the sky, except as hereinafter provided or as otherwise permitted in this article

(B) Setback Encroachment Regulations Table

Table 155.634 Setback Encroachment Regulations						
Type	Maximum Setback Encroachment				Maximum Dimensions	Additional regulations
	Front	Side	Street Side	Rear		
Sills or Belt Courses	1 foot	1 foot	1 foot	1 foot	N/A	N/A
Cornices, Eaves, Gutters, Overhangs, and retractable awnings	1/3 of required setback	1/3 of required setback	1/3 of required setback	1/3 of required setback	5 feet regardless of setback	For yards less than 5 feet, shall not exceed 1/2 of the setback width.

Table 155.634 Setback Encroachment Regulations						
Type	Maximum Setback Encroachment				Maximum Dimensions	Additional regulations
	Front	Side	Street Side	Rear		
Chimney, Fireplace, or Pilaster	2 feet	2 feet	2 feet	2 feet	N/A	N/A
Moveable Awnings	1 foot	1 foot	1 foot	1 foot	N/A	Shall only be placed over doors and windows
Fire Escapes, Stairways, and Balconies (unenclosed)	3 feet 8 inches	3 feet 8 inches	3 feet 8 inches	5 feet	N/A	Applicable in Multifamily or hotel uses
Unroofed Porches or Terraces	5 feet	3 feet	3 feet	10 feet	N/A	First Floor Only, except for railings.
Hoods, Canopies, or Marquees	1/3 of required setback	1/3 of required setback	1/3 of required setback	1/3 of required setback	5 feet regardless of setback	Shall be a minimum of 1 foot away from any lot line.
HVAC or Emergency Generator	Not Allowed	Not restricted	Not restricted	Not Restricted	N/A	Single Family Districts Only
Liquefied Petroleum (LP) Tanks (below ground)	Not restricted	Not restricted	Not restricted	Not restricted	N/A	N/A

## 155.635 ENCROACHMENT OF ACCESSORY BUILDING AND STRUCTURES WITHIN EASEMENTS

- (A) Drainage Easements. An accessory building or structure shall not be erected over or impair access to a drainage easement or culvert. Approval must be obtained from applicable drainage district for accessory buildings and uses located in a drainage easement.
- (B) Utility Easements. An accessory building or structure shall not be placed within a utility easement without the approval from all applicable utility companies.
- (C) Maintenance Easements

1. Lake and canal maintenance easements
  - (a) An accessory building or structure shall not be erected over or impair access to a lake or canal maintenance easement. Approval must be obtained from applicable drainage district for accessory buildings and uses located in a drainage easement.
2. Zero Lot Line Homes shall have a maintenance easement in accordance with 155.652.

## 155.636 HEIGHT LIMITATION ENCROACHMENT SPECIFICATIONS

- (A) Penthouses, scenery lofts, towers, cupolas, steeples, and domes, not exceeding in gross area at maximum horizontal section 30% of the roof area.
- (B) Airplane beacons, broadcasting towers, antennae, chimneys, stacks, tanks, and roof structures used for ornamental or mechanical purposes may exceed one of the following height limitations:
  1. 25% of the allowable height in any district or;
  2. 25% higher than the principal building to which it relates or is attached, whichever is less, unless otherwise waived by the Commission for the health and safety of the community.
- (C) Flag Poles
  - a. Residential properties: 25 feet
  - b. Non-Residential properties:
    - i. 40 feet or;
    - ii. 25% higher than the principal building to which it relates or is attached, whichever is less.
- (D) Parapet walls may extend not more than five feet above the allowable height of a building.

## 155.637 SCREENING OF SERVICE AND MECHANICAL EQUIPMENT

- (A) All garbage and trash containers or compactors, oil tanks, bottled gas tanks and irrigation system pumps must be underground or placed in walled-in areas or landscaped screened areas.
- (B) All air-conditioning units, mechanical equipment, and the like, whether roof mounted or at grade shall be shielded and hidden so that they shall not be visible from a point six feet above the ground from any abutting public or private right- of-way and/or property line.

## DEVELOPMENT DESIGN GUIDELINES

### 155.640 GENERAL – DEVELOPMENT DESIGN GUIDELINES

- (A) Purpose. This section is intended to establish additional site design criteria for various building types and lot configurations supplemental to the requirements of the zoning district in which they are located.
- (B) Applicability. The following subsections will establish additional criteria for non-residential or residential properties exclusively including but not limited to:
1. Commercial Outbuildings
  2. Commercial Outparcels
  3. Regional Mall Developments
  4. Multi-Family Developments
  5. Townhouse Developments
  6. Zero Lot Line Developments
  7. Open Space Regulations

## 155.641 GENERAL – COMMERCIAL OUTBUILDINGS

- (A) The development of commercial outbuildings may be permitted in the B-2, B-3 and C-1 zoning districts. The objectives of these standards are as follows:
1. To maintain architectural compatibility with the principal design features of the shopping center.
  2. To encourage complementary amenities:
  3. To provide convenient and safe pedestrian connection with the principal development buildings;
  4. To encourage interconnectivity between the shopping center and outbuilding.

## 155.642 COMMERCIAL OUTBUILDING STANDARDS

- (A) Development standards. Commercial outbuildings shall be developed in accordance to the requirements and limitations of the zoning district in which they are located.
- (B) Number of tenants. Commercial outbuildings may be occupied by multiple tenants.
- (C) Parking. The required parking shall be counted toward the total required parking of the shopping center.
- (D) Architectural compatibility. Commercial Outbuildings shall incorporate elements, including colors or materials that are architecturally compatible with the principal building.
- (E) Landscaping. Any additional landscaping required by an outbuilding shall be count toward the total landscaping of the shopping center.

- (F) Signage. The signage shall comply with the Uniform Sign Plan of the shopping center in which the commercial outbuilding is located.
- (G) Process. The development of a new outbuilding shall be subject to the site plan process as outlined in 155.301(A)

## 155.643 GENERAL– COMMERCIAL OUTPARCELS

- (A) The establishment of commercial outparcel to serve freestanding structures may be permitted in the B-2, B-3 and C-1 zoning districts. All of the provisions in this section shall apply unless otherwise stated herein. The objectives of these standards are as follows:
1. To maximize the visibility of principal developments and shopping center.
  2. To maintain architectural continuity with the shopping center and incorporate design elements, including colors or materials, consistent with their individual business.
  3. To encourage complementary amenities.

## 155.644 COMMERCIAL OUTPARCEL STANDARDS

- (A) Number of outparcels. All of the following provisions apply to new or redeveloped outparcel developments.
1. There shall be no more than one outparcel for every ten acres of total site area.
  2. There shall be no more than one outparcel for every 500 feet of shopping center frontage.
- (B) Building coverage and distance.
1. Total building square footage for all outparcels shall not exceed ten percent of the square footage of the principal building(s) and outbuilding(s).
  2. There shall be a minimum of 300 lineal feet of separation between buildings except when separated by a roads or drive aisles.
  3. Outparcels shall only be occupied by a single tenant and are limited to one building per outparcel.
- (C) Height.
1. Height shall not exceed one story with a maximum height of 30 feet and;
  2. Height shall not exceed the height of the principal building.
- (D) Access, storage services. Access to the outparcel shall be as direct as possible avoiding drive aisles and queuing across surrounding parking and driving aisles. All access to the outparcel must be internalized utilizing the main access drive of the principal retail center. Storage and service facilities for all outparcels shall be integrated within the building zone and preferably

constructed as an integral part of the structure. Drive-in facilities shall be provided on the outparcel site exclusively. In no instance shall the circulation and access of the principal commercial facility and its parking and service be impaired.

(E) Parking.

1. All required parking for the outparcel shall be located within that parcel exclusively.
2. Parking provided in the outparcel shall not count toward the required parking for the shopping center.

(F) Architectural compatibility. Outparcel buildings may incorporate design elements, including colors or materials, consistent with their individual business brand, but shall not incorporate design elements, including colors or materials, which the Planning and Zoning Board determines detracts architecturally from the theme of the principal building.

(G) Setbacks. Buildings within outparcels shall not be located within any required setback of the shopping center where it is located and are not required to meet bufferyard landscape requirements within the outparcel .

(H) Signage. Outparcel signage shall comply with 155.699-155.6100.

(I) Process. The development of a new outparcel shall be subject to the site plan process as outlined in 155.301(A).

## 155.645 GUIDING PRINCIPLES – REGIONAL MALL OUTPARCEL DEVELOPMENT

(A) The following provisions shall govern development on properties which have been approved for the construction and development of a regional mall.

1. Guiding principles.

- (a) All building elements shall be aesthetically and architecturally compatible throughout the site.
- (b) Regional mall and secondary building placement shall maximize parking, open space, safety and access to the facility.
- (c) Placement of buildings shall not hinder the operations of the regional mall.
- (d) The road network shall be designed to enable efficient vehicular flow.
- (e) Building uses shall be supportive and complementary to the principal use.
- (f) Regional mall and secondary building height, width, setback and landscaping must meet the requirements set forth in the provisions of this division.

## 155.646 SITE DEVELOPMENT STANDARDS FOR REGIONAL MALL OUTPARCELS

- (A) Mall outparcel plan requirements. A mall outparcel master plan shall be submitted by any applicant proposing to add a new outparcel to the mall property. Applicant shall provide a site plan of the entire mall property as well as the location of all existing and proposed principal, secondary and outparcel buildings.
- (B) Mall outparcels shall be permitted within parcels A, B and C as defined within the mall development of regional impact.
- (C) The number of outparcels shall not exceed 13.
- (D) Maximum outparcel building width. In order to ensure that the development of the outparcel buildings does not obscure the identity of the principal commercial uses located behind the outparcels, outparcel buildings shall not exceed 125 feet in width measured parallel to the abutting public right-of-way or access road excluding roof overhangs, porte-cocheres and other similar projections. Further, the combined width of all outparcel buildings shall not exceed 50% of the road frontage.
- (E) Maximum outparcel building height. The maximum outparcel building height shall be one story not to exceed 25 feet above the crown of the road for the portion of the property located between the regional mall structure and Pines Boulevard and two stories not to exceed 35 feet above the crown of the road for the remainder of the property.
- (F) Setbacks. All buildings along Pines Boulevard shall comply with Pines Boulevard landscape buffer requirements. All other parcel lines shall provide a minimum ten-foot landscape buffer and 30 feet setback from the mall access and/or mall ring road.
- (G) Landscape requirements. Mall outparcel development sites shall comply with the city's landscaping requirements for the number, type, size and quality of both trees and ground cover. Any area not devoted to structured or paved parking must be landscaped and irrigated in accordance with the minimum standards set by the city. All landscaped areas shall be protected from vehicular encroachment by a continuous curb and gutter.
- (H) Signage. Outparcels within Parcels B and C, located along Pines Boulevard pursuant to the mall development of regional impact, and shall comply with the sign requirements of 155.699 through 155.6100. Parcel A, located within the main mall parcel pursuant to the mall development of regional impact, shall be required to amend the mall master sign plan with standards compatible with the existing development subject to review and approval by the Planning and Zoning Board.
- (I) Pedestrian access. The owner/developer of an outparcel site should be conscious of providing and open space network of pedestrian walkways, open areas and buffers throughout the site.
- (J) Walls and fences. No wall, fence or screen enclosure shall be constructed within any landscape buffer along a property line with a height of more than six feet above the ground level of adjoining property, and no hedge or shrubbery shall be permitted with a height of more than eight feet. All proposed fences, walls, and screens shall be constructed of materials and

utilize colors that are compatible with the principal structure on the site. There shall be no wooden fences or walls permitted.

- (K) Parking. Each mall outparcel must provide sufficient parking on-site to meet the city zoning code requirements in accordance with its use.

## 155.647 USE RESTRICTIONS – REGIONAL MALL OUTPARCELS

- (A) Accessory buildings. No accessory buildings shall be permitted on outparcel development sites, except that a drive-in teller or drive-up window and associated menu boards, and the like shall not be considered as accessory buildings so long as they are integrated with the principal building. Garbage and trash dumpsters may be kept in freestanding locations, except that they shall not be permitted along Pines Boulevard, and they must be completely screened from view by a combination of fences, walls, and screens and landscaping and shall be submitted as part of and shall be subject to site plan review. There shall be no freestanding kiosk type buildings or small light structures permitted in the parking areas or service areas outside of the main buildings.
- (B) Service and delivery. All service and deliveries to any building shall be to the rear of the building where physically possible. There shall be no outside display or storage of materials, products or goods. No truck or commercial vehicle of any kind shall be permitted to be parked on the property for a period of more than four hours between 9:00 a.m. and 9:00 p.m. unless said vehicle are temporarily present and necessary and incident to the business on the property.
- (C) Limitation on recreational vehicles. No recreational vehicle of any kind shall be parked overnight and no boats, boat trailers or trailers of any kind, or campers or mobile homes shall be permitted to park overnight on or near the property at any time unless kept inside a screened enclosure. No vehicles shall be used as a domicile or residence, either permanent or temporary.
- (D) Screening of service and mechanical equipment. All garbage and trash containers or compactors, oil tanks, bottled gas tanks and irrigation system pumps must be underground or places in walled-in areas or landscaped screened areas. All air-conditioning units, mechanical equipment, and the like, whether roof mounted or at grade shall be shielded and hidden so that they shall not be visible from a point six feet above the ground from any abutting public or private right- of-way and/or property line. Wood may not be used as a screening material.

## 155.648 ARCHITECTURAL COMPATIBILITY – REGIONAL MALL OUTPARCELS

Mall outparcel buildings may incorporate design elements, including colors or materials consistent with their individual business brand, but shall not incorporate design elements, including colors or

materials, which the architectural review board determines detract architecturally from the theme of the principal building.

## 155.649 SCOPE OF APPLICATION – REGIONAL MALL

- (A) The development of any property for retail store, restaurant or other commercial use which is located on the same platted parcel of land where a principal structure either exists or is planned to exist (i.e. an outparcel), regardless of different ownership of the principal structure, shall be subject to, and developed in accordance with, the requirements of this sub-section.
- (B) If title to an outparcel is transferred after a master plan or site plan is approved by the city for the platted parcel where the principal structure and outparcel are to be located, then the seller is obligated to disclose to the buyer, by covenants in the deed, the applicability of the requirements of this subsection and any additional requirements imposed by the City in connection with the master plan or site plan approval to the property being sold.

## 155.650 MULTI-FAMILY – APARTMENTS AND CONDOMINIUMS

In addition to the standards within Article 4, the following standards shall apply to apartments and condominiums developed within the Residential Multi-Family (R-MF) zoning district.

- (A) Building coverage: 30% maximum. Building coverage includes all habitable space, carports, garages, recreation buildings, and the like. It does not include uncovered patios and decks, swimming pools, tennis courts, fountains and the like.
- (B) Vehicular use area: (Non-pervious) 30% maximum.
- (C) Required design features:
1. Paved sidewalks (with a minimum width of four feet) shall connect all buildings, parking lots and tenant facilities.
  2. In addition to the required sidewalks in (D)(1) of this section, the following list is an indication of desired amenities and design features. Actual projects may contain some or all of these. The size of the project, as well as its unit mix, will require different amenity and design packages. The role of the Planning and Zoning Board in its site plan review is to ensure that projects will provide a well-designed package of features for its residents including the following: full masonry construction, tile or metal roofs, porches for each ground level unit, balconies for all units above ground level, and clubhouse and recreation center.
  3. Recreational vehicle and boat storage shall be provided at the rate of 300 square feet per 30 dwelling units or fraction thereof. The location, design and screening of this area shall be included on the site plan and approved by the Planning and Zoning Board. This

requirement may be waived by the Board provided the site plan contains a prohibition of the storage of these and similar items.

- (D) Parking: The Planning and Zoning Board shall determine that parking is to be distributed throughout the project and must be shown to be convenient and accessible from all units and amenities. Parking garages and other covered parking may be counted as required parking if they are not tandem spaces. Notwithstanding the foregoing, tandem parking spaces may be counted only with the express approval of the Planning and Zoning Board provided the tandem parking spaces are compatible with the surroundings, satisfy the needs of the development, and provide sufficient access.
- (E) In R-MF Districts, the first five feet of a required front or street side yard, adjacent to a street, shall be landscaped, and shall not be used for parking except on lots developed with a one-family or a two-family dwelling; but this five-foot, landscaped strip may be crossed by sidewalks and driveways reasonably necessary for access to buildings and permissible parking areas. Other portions of required yards may be used for accessory parking. This regulation shall apply only to streets designated as traffic ways by the City Commission.

## 155.651 TOWNHOUSES

In addition to the standards within 155.425, the following standards shall apply to townhouse development.

- (A) Access to units. Access to townhouse developments must be convenient to public streets or private drives. Access to individual units or buildings may be from streets, drives, pedestrian ways, garden courts, parking areas, or similar methods.
- (B) Utilities and services.
1. Each townhouse shall be independently served by separate heating, air conditioning, electric power, gas, and other facility and utility services, excluding sewer and water, wherever those utilities and services are provided.
  2. No townhouse shall be in any way dependent upon services or utility lines located within another townhouse or townhouse site, except as may be installed in public easements.
  3. All townhouses must be connected to public water and sewer lines, and all electrical and telephone lines in a townhouse development site shall be placed underground.
  4. Proper and adequate access for firefighting purposes and access to services, areas to provide for garbage and waste collection, and for the other necessary services shall be provided.
- (C) Parking spaces may be provided on the lot of the townhouse, in commonly owned or maintained parking bays, or in combination of both.
- (D) Private open areas. There shall be provided for each townhouse at least 500 square feet of private open areas, exclusive of parking and service areas. These areas may consist of one

or more locations. Open-roof areas and balconies designed and planned for patio purposes may be credited for no more than 50% of the required area.

(E) Maintenance of common areas.

1. Provisions shall be made to assure that non-public areas and facilities for the common use of occupants of a townhouse development, but not in individual ownership of those occupants, shall be maintained in a satisfactory manner, without expense to the general taxpayer of the City.
2. This assurance may be provided by the incorporation of an automatic membership home association for the purpose of continuously holding title to nonpublic areas and facilities; which may include, but not be limited to recreational areas, off-street parking bays, private streets, sidewalks, street lights, and common, open landscaped areas and waterways. These assessments shall be a lien superior to all others, except mortgage and tax liens.
3. Other methods may be acceptable if they positively provide for the proper and continuous payment of taxes and maintenance without expense to the general taxpayers.
4. The instrument incorporating such provisions shall be in legal and recordable form before issuance of a building permit and shall be recorded in the public records of the county.

(F) The following standards below, as outlined in section 155.425, may be modified by the Planning and Zoning Board where such variations, when incorporated into the site plan, illustrate that the purpose and intent of this section will be met by the overall development. The applicant shall provide a letter of justification stating the necessity for the standards to be modified and how the proposed meets the purpose and intent of this section.

1. Unit size
2. Height
3. Setbacks
4. Separation of building
5. Private open areas

(G) Districts in which townhouse developments permitted. In all districts permitting multiple-family zoning, townhouse developments will be permitted, which may vary the regulations of that particular zoning district as outlined above.

(H) Landscaping. Reference Multi-Family landscaping requirements in section 155.662(B)

## 155.652 ZERO LOT LINE HOMES

In addition to the standards within 155.422, the following standards shall apply to zero lot line home development.

- (A) Traffic ways setback. Notwithstanding any of the setback requirements identified above, there shall always be a building setback of 25 feet from all arterial roadways of 100 feet in width as shown on the County Traffic Plan.
- (B) Openings prohibited on the zero lot line side. The wall of the dwelling located on the lot line shall have no windows, doors, air conditioning units, or any other type of openings with the exception of a condensate line. Atria or courts shall be permitted on the zero lot line side when the court or atrium is enclosed by three walls of the dwelling unit, and a solid wall of at least eight feet in height is provided on the zero lot line. The wall shall be constructed of the same material as exterior walls of the unit, or may be constructed of decorative opaque glass block. A fixed non-operable opaque glass window may be used in lieu of glass block to meet the intent of this section.
- (C) Maintenance and drainage easements.
1. Lots developed utilizing the R-1Z criteria shall have a perpetual, seven-foot easement for maintenance of the wall on the lot adjacent to the zero lot line property line which, with the exception of the following shall be kept clear of structures.
    - (a) Walls or fences
    - (b) Structures at grade, not to encroach greater than two feet into the seven-foot easement.
  2. Lots developed utilizing the R-1Z criteria may have overhangs that encroach into the easement on the adjacent lot a maximum of 24 inches, but the roof shall be so designed that water runoff from the dwelling places in the lot line is limited to the easement area.
  3. At grade structures encroaching into the five foot required setback on the Zero Lot Line side shall place a 6 foot high completely opaque privacy wall in accordance with 155.621 (A)(1)(b).
- (D) Parking. All visitor parking must be paved and evenly distributed throughout the development.
- (E) Common open space. For the purpose of this section, common open space shall be defined as recreational facilities including, but not limited to, swimming pools, clubhouses, bicycle/pedestrian paths, and open recreational areas for the common use of the owners or residents of the dwelling units. Common open space is not required but may be permitted. If common open space is provided, provisions satisfactory to the Planning and Zoning Board shall be made to assure that non-public areas and facilities for the common use of occupants of zero lot line developments shall be maintained in a satisfactory manner without expense to the general taxpayer of the city. These may be provided by the incorporation of an automatic membership homeowners association, or condominium for the purpose of continually holding title to the non-public areas and facilities and levying assessments against each unit for the purpose of paying the taxes and maintaining the common open space.
- (F) Sidewalks. Continuous sidewalks shall be provided on both sides of a public or private street and roads within a development in accordance with 154.32(S).
- (G) Elevations. There shall be no more than three consecutive identical dwelling unit elevations.

- (H) Garages. All residential units shall contain a minimum of a single-car garage fully enclosed, and units with three or more bedrooms shall contain a minimum of a two-car garage fully enclosed.
- (I) Rear yards and side yards. Where a rear yard is adjacent to another home's side yard, only single-story homes shall be permitted on both lots, provided however, subject to the building height restrictions of this section and upon application to the Planning and Zoning Board, a developer may request approval to erect two-story homes on either one or both of the lots. The Board shall consider the character and use of adjoining dwelling units or structures as well as compatibility and may require additional amenities to be provided in determining whether to approve the request.

## 155.653 OPEN SPACE REGULATIONS

- (A) Residential. All residential developments shall exhibit and maintain a total open space requirement at least 35% of the gross area of the development. The following regulations will apply:
1. The area contained in a continuous, open space pedestrian system; consisting of permanently maintained walks and trails, green roofs, drainage or retention areas and buffer yards, not less than 10 feet wide; leading to a natural amenity, recreation facility, or commercial use; offering internal pedestrian walkways that are not part of the street network; may be counted as open space.
  2. The areas used for plazas and pedestrian connectivity are encouraged and will count toward open space. This includes transitional or multi-use spaces or pathways connecting from either man made or natural features.
  3. The area contained in mini-parks; which may or may not be part of the open space system, and have a minimum dimension of 100 feet together with, but not limited to, one of the following: benches, playground apparatus, barbeque pits, and fire rings; may be counted as open space.
  4. No more than 50% of lakes and golf courses shall be counted toward the total open space requirement.
- (B) Commercial and Office. All commercial and office developments including (B-1, B-2, B-3, C-1, PO, PCD and MXD) shall exhibit and maintain a total open space requirement at least 10% of the gross area of the development. The following regulations will apply:
1. The area contained in a continuous, open space pedestrian system; consisting of permanently maintained walks and trails, drainage or retention areas and buffer yards, not less than 10 feet wide; leading to a natural amenity, recreation facility, or commercial use; offering internal pedestrian walkways that are not part of the street network; may be counted as open space.
  2. The areas used for plazas and pedestrian connectivity are encouraged and will count toward open space. This includes transitional or multi-use spaces or pathways connecting from either man made or natural features.
  3. No more than 50% of lakes and golf courses shall be counted toward the total open space requirement.

## FENCES, WALLS AND HEDGES

### 155.655 FENCES, WALLS, AND HEDGES

(A) Purpose

This section is intended to regulate safety, security and privacy of properties while maintaining visual harmony within neighborhoods.

(B) Applicability

This section shall regulate the location, height and appearance of fences, walls, and hedges within all zoning districts.

(C) General Standards

1. Residential

- (a) No fence, wall, or hedge shall be erected or maintained along or adjacent to a lot line on residentially zoned property to a height exceeding six feet in any yard; except that where the lot line is adjacent to non-residential use, there shall be an eight-foot limit on the height of a fence, wall, or hedge along the lot line. Height shall be measured from grade.
- (b) The finished side of the fence shall face the abutting property, adjacent property or the street, when feasible. It shall be the responsibility of the property owner to provide evidence as to why the finished side cannot face the abutting property, adjacent property or the street. Such cases shall be reviewed and approved by the Planning and Economic Development Department Director or designee as part of the building permit process.
- (c) Fences and walls shall comply with section 150.55 of the City Code when applicable.
- (d) A fence, wall, or hedge shall not encroach into the front yard setback, except as provided herein.
  - i. A fence may be installed in the front yard setback for corner residential lots where the primary entrance to the residential structure is located on the street side yard as defined herein. The decision to permit the installation of the fence in the front yard setback of the corner residential lot is at the discretion of the Planning and Economic Development Department Director or designee.
  - ii. A fence may be installed within the front yard setback of the R-MH district, subject to the following regulations:
    - a. The fence shall not exceed three (3) feet in height.
    - b. Such fence must be constructed of decorative aluminum or wood and shall be no more than 50% opaque. No chicken wire or any wire-type fence shall be permitted.
- (e) In any residential district, no fence, wall, or hedge shall be erected, constructed, maintained, or grown to a height exceeding two feet above the street grade nearest thereto, within the front setback or within 25 feet of the intersection of any street lines or of the street lines produced.

- (f) At no time shall the line of sight be obstructed.
- (g) Ground covers, shrubs and hedges shall not exceed two feet in height when located within the swale.
- (h) No barbed wire or barbed wire-topped fences may be erected, placed, or maintained on any residentially zoned or residentially used property, other than (R-E) or (A) zoning districts.

## 2. Non-Residential

- (a) Fences, walls or hedges may exceed past 6 feet in height when utilized to screen mechanical equipment or to enclose sport courts as defined in 155.637. The allowable height shall be determined by the Planning and Economic Development Department Director or designee.
  - (b) The finished side of the fence shall face the abutting property, adjacent property or the street, when feasible. It shall be the responsibility of the property owner to provide evidence as to why the finished side cannot face the abutting property, adjacent property or the street. Such cases shall be reviewed and approved by the Planning and Economic Development Department Director or designee as part of the building permit process
  - (c) At no time shall the line of sight for vehicle traffic as established applicable engineering standards be obstructed.
  - (d) Ground covers, shrubs and hedges shall not exceed two feet in height when located within the swale or interior landscaped areas.
  - (e) No barbed wire or barbed wire-topped fences may be erected, placed, or maintained on any Community Facility, Recreation, or Commercial zoning districts.
  - (f) Barbed wire or barbed wire topped fences may be permitted in the industrial zoned districts through the development review process.
- (D) Prohibitions. Fences, walls, or hedges shall not obstruct, fire hydrants, water valves, water meters, sewer clean-outs and or otherwise precludes any utility maintenance to be performed by the City.
- (E) Maintenance
- a. The continued maintenance of any fence, wall, or hedge within the City shall be the responsibility of the owner or other person responsible for the property upon which such fence, wall, or hedge lies.
  - b. Fences, walls, and hedges shall always be maintained in a condition that will ensure safety, functional use, and a proper aesthetic appearance. Such maintenance shall include but not be limited to painting, pressure washing, pruning or repairing.

## LANDSCAPING

### 155.656 PURPOSE - LANDSCAPING

The purpose of this section shall be to establish the minimum standards and requirements of property owners for the installation and maintenance of landscaped areas. Proper landscaping

promotes the general welfare, public safety, and public health through trees and other plant materials by creating aesthetically pleasing, sustainable residential and non-residential environments that promote improved air quality, an urban canopy, and many other benefits. (Because the City Commission finds that the peculiar characteristics and qualities of the City justify regulations to perpetuate this aesthetic appeal on a city-wide basis, this LDC is enacted.)

## 155.657 LANDSCAPE PLAN REQUIREMENTS

(A) All landscape plans shall contain all of the following items for document plan review by City professional landscape personnel.

1. All landscape plans shall contain all of the following items for document plan review by City professional landscape personnel:
2. Landscape plans shall be signed and sealed by a registered landscape architect or qualified personnel. A digital and hard copy of all landscape plans shall be submitted to the City for review.
3. Landscape calculation table, on a form provided by the City, shall be shown on planting plans.
4. Tree survey bearing the seal of a landscape architect or qualified personnel indicating the location, number, species, DBH, size, and condition of all existing trees and vegetation on-site to be preserved, relocated, or removed. In the event there are no trees on-site, the applicant shall submit a letter stating that there are no existing trees on-site.
5. The location and outline of existing buildings and site improvements to remain.
6. Location, number, species, size, and condition of existing vegetation along abutting properties within 25 feet of property line.
7. Location of existing and proposed hardscape features such as driveways and sidewalks, additional embellishment of walls, fences, gates, and signs including type and height.
8. A proposed plant list by symbol, quantity, required specifications, native or non-native, drought tolerance, mature canopy spread, total mature canopy spread proposed on site, and botanical and common names. The plant list shall be indicated on all planting sheets.
9. Location and labeling of existing and proposed lighting on site, proposed fire hydrants, and Fire Department check valves.
10. Location of existing and proposed easements, right-of-ways, drainage structures, overhead utility wires, vertical features, underground utilities, controllers, above ground electrical elements, and transformers.
11. All planting and staking details, including but not limited to planting/staking specifications, general notes, and tree protection details
12. Location and specification of proposed root barrier.
13. Existing and proposed water bodies, water retention areas, and berms indicating required slopes.
14. An indication of water source, valves, pumps, backflow preventers, controllers, main line, lateral lines, sleeves, head types, specifications, and spacing.
15. Sight triangles shall be depicted on planting plans.
16. Such other information as needed to give a complete understanding of the proposed plan.

- (B) Exceptions to these requirements may be granted upon determination of the City based on scope of work.

## 155.658 LANDSCAPE PLAN REVIEW AND ACCEPTANCE PROCEDURES

- (A) Landscape plans shall be required for all site plan submittals unless determined to be unnecessary by City staff.
- (B) All proposed and approved landscape plans shall include details pertaining to plant materials, nonliving durable landscape material, root barriers, and an irrigation system where applicable.
- (C) For existing properties, if neither the property owner nor the City possesses an approved landscape plan for the site, the property owner must seek a landscape plan to be approved by the City as set forth in 155.657 if the property owner seeks to obtain any new building permit.
- (D) All site developments or landscaping improvements to existing sites shall submit to City landscape personnel a set of landscape plans that comply with plan details outlined in 155.642. Once the landscape plans are approved, the property owner can apply for a landscape permit; work may not begin until City staff has reviewed, approved, and provided owner with approved permit.
- (E) City landscape representative(s) shall be charged with the responsibility to review plans, issue permits, and inspect all details post-installation for all items found in the landscape plan.
- (F) Upon completion of the landscape installation, owner or applicant must request final landscape inspection.
- (G) Upon completing a final landscape inspection, the owner must file "as-built" landscape plans with the City within 30 days.
- (H) All plans submitted shall be retained by the City in accordance with F.S. Code 119, as amended from time to time, and the rules and regulations promulgated from time to time for records retention by the Bureau of Archives and Records Management of the Division of Library and Information Services of the Florida Department of State.

## 155.659 ISSUANCE OF CERTIFICATE OR OCCUPANCY OR FINAL LANDSCAPE INSPECTION APPROVAL

- (A) A landscape permit is required for all new construction and redevelopment of properties located in such districts and the following is required for permit:
1. Landscape permit application;

2. Permit fee reflective of total landscape costs;
3. A cost breakdown of materials including species, size and labor costs;
4. Proof of contractor's Broward County local business tax receipt (LBTR);
5. A copy of contractor's liability insurance;
6. Hard set of plans and a digital copy; quantity to be determined by the City; and
7. Tree removal/relocation permit if applicable.

(B) An owner/contractor cannot begin installation of material until a landscape application has been received and approved by the City and a landscape permit has been issued.

(C) Conditions: No final certificate of occupancy for new construction or significant redevelopment projects shall be issued unless the as built conforms to the approved landscape and irrigation plan.

1. The landscape architect shall be required to inspect the property after installation to determine whether landscape and irrigation installation conforms to the approved plan.
2. The landscape architect shall submit a written report of compliance to the City upon completion of their inspection.

(D) Inspection:

1. The City shall inspect the property to ensure that landscape has been installed, maintained, and irrigated in accordance with the landscape plan approved by the City and the provisions of this section. If the inspection reveals that the approved landscape and irrigation plans have been satisfied, and the City has received a landscape and irrigation certification letter, hardcopy of landscape and irrigation plans, and as-built digital file all signed and sealed by a landscape architect or qualified personnel, then the final certificate of occupancy may be issued.
2. The property owner/developer shall be responsible for payment of a landscape inspection fee prior to issuance of final certificate of occupancy.

(E) Replacement of material:

1. It shall be the duty of the property owner to maintain the current approved landscape plan for the property including, but not limited to, replacing dead and poorly performing plant and other landscape material. The City has the right to inspect all properties to ensure that landscaping has been properly installed, maintained, and irrigated in accordance with the approved landscape plan and require the property owner to make all appropriate corrections.
2. The property owner has 90 days to replace all substandard and missing landscaping to ensure compliance with this section upon notice from the City. If unable to achieve scope of work within a 90 day period an extension may be granted based on significant progress and communication with City landscape personnel.

## 155.660 LANDSCAPE PARAMETERS – GENERAL CONSIDERATIONS

- (A) All areas within a property not considered a building, structure, sidewalk, parking area, and other approved vehicular use area shall have the maximum coverage of living plant material where possible. All non-living durable landscape material shall not be considered an appropriate substitution for living plant material unless clearly stated on an approved landscape plan.
- (B) All properties and approved landscape plans shall follow the Florida Friendly Landscaping Program (FFLP) guidelines as hereby adopted by the City with the exclusion of the wildlife section. The City further agrees to adopt the plant lists within the FFLP as a guideline for the City's approved plant list.
- (C) All properties and approved landscape plans are required to have at least 50% native and drought-resistant plant materials within the total site vegetation excluding sod.
- (D) During any construction, protective barriers of specifications approved by the City shall be placed and maintained around the drip line of all trees to be retained on the site to prevent their destruction or damage. The developer shall use every precaution possible to avoid damaging the trees by preventing the use or storage of materials or equipment, or the contamination of soil with such materials as paint, oil, solvents, asphalt, concrete, mortar, and the like, within the "drip line".
1. No attachments, other than those of a protective or nondamaging nature, shall be attached to any tree except those trees approved by the City to be eliminated and not to be retained or relocated.
  2. All trees damaged as a result of construction or the operation of heavy equipment in the vicinity of a tree shall be replaced in accordance with the provisions of this section.
- (E) Sight distances. When an drive aisle intersects a public right-of-way or when the subject property abuts the intersection of two or more public rights-of-way, all landscaping within the triangular areas shall conform to Florida Department of Transportation (FDOT) Roadway and Traffic Design Standards for Design Construction, Maintenance and Utility Operations on the State Highway System, Standard Index 546, and Engineering Division details R13, R14, and R15, as amended and updated from time to time.

## 155.661 MINIMUM LANDSCAPE REQUIREMENTS – ALL PROPERTIES

- (A) All landscaped areas shall be installed according to the approved site plan and shall be maintained by the property owner, including but not limited to replacing dead and poorly performing material. The City has the right to inspect all properties to ensure landscaping has

been properly installed, maintained, and irrigated in accordance to the approved landscape plan.

- (B) A property owner can receive credits toward the minimal landscape requirements for the preservation, replacement, or relocation of existing plant material on site prior to development if determined by City landscape personnel, an adjustment will preserve the intent of this section.
- (C) All common areas, excluding totally enclosed privacy areas, for attached and detached single-family units shall be fully landscaped and irrigated. Common areas require one tree for every 1,000 square feet and shall require no more than 50% sod.
- (D) Recreational facilities both commercial and private, shall be substantially landscaped. The landscape at recreational facilities such as but not limited to clubhouse, pool area, and gym cannot be utilized in fulfilling or contributing to minimal landscape requirements for general planting requirements outlined in 155.662 and 155.663.
- (E) Utility structures, garbage, and refuse areas shall be screened with landscaping material to the extent that these areas are not visible at a maximum height of six feet from abutting properties or adjacent right-of-ways.
- (F) The property owner is responsible for the landscape development and maintenance of the non-paved portion fronting on the property where a waterway directly abuts public right-of-way and where the ingress and egress from a property is over the waterway in accordance with an approved site plan and according to South Broward Drainage District standards.
- (G) Trees in excess of five shall have no more than 20% of a single species:
  - 1. All properties three stories and below minimum:
    - (a) 20% of required trees meet 14-16' H with 3" diameter at breast height.
    - (b) 20% of required trees meet 12-14' H with 2" diameter at breast height.
    - (c) 60% of required trees required meet 155.664 (M).
  - 2. All properties four stories and above minimum:
    - (a) 30% of required trees meet 14-16' H with 3" diameter at breast height.
    - (b) 30% of required trees meet 12-14' H with 2" diameter at breast height.
    - (c) 40% of required trees required meet 155.664 (M).
- (H) Landscaping for Boulevard Strips, Medians, and Swales – All Properties.
  - 1. All medians within or adjacent to a development shall be landscaped and irrigated by the developer as per an approved site development plan where such modifications are determined necessary by City staff.
  - 2. The boulevard strip shall be sodded. Where the area is bordered by a sidewalk and curbing, it shall be contoured to insure satisfactory surface run-off. Planting will be considered in this area provided that the stock is of type as specified in the approved list for boulevard planting and that the planting does not encroach beyond the center line

closest to the public right-of-way. Landscaping to incorporate xeriscaping principles is encouraged.

3. Where the area is not curbed, the block drainage pattern must remain unobstructed. Planting shall not take place in the center line of the swale. Planting, however, will be considered on the residential side of the slope provided that the material is as specified in the approved list for boulevard planting and that the planting does not take place closer than two feet from the center line of the swale.
4. For trees located in a boulevard strip or swale, special attention should be made to ensure that there is adequate root and canopy space at maturity.
5. All planting on City property must be as per an approved site plan.

(I) Landscape Adjacent to Public Right-of-Ways – All Properties.

1. A ten foot strip of land adjacent to the right-of-way shall be provided for and landscaped for property areas adjacent to public right-of-ways where the property will not be entirely visually screened by an intervening building or structure from the abutting right-of-way. All required landscaped strips shall be landscaped 100% coverage of turfgrass or other approved groundcover along with one tree for each 50 lineal feet or fraction thereof, or one tree for every 250 square feet. Necessary drive aisles may be subtracted from the above lineal dimensions where determining the required number of trees.
2. The above required trees shall be located between the abutting right-of-way and development of the property. A hedge, wall, berm, or other durable landscape barrier of at least two feet in height shall be placed along only the perimeter of the landscape strip. If the durable barrier is of nonliving material, a hedge, vine or other living material shall screen the street side of the barrier. Barrier placement shall not impede sightlines.
3. Utility easements shall be excluded from this section's provisions regarding trees only and dedicated alleyways shall be excluded from this section's provisions regarding trees, hedge material and berm requirements, unless they are commercial alleyways abutting residential property as in 155.661(I).

(J) Landscaping Adjacent to Abutting Properties – All Properties.

1. On the site of a building, structure, or open-lot use providing an off-street parking area or other vehicular use area, where the area will not be entirely screened visually by an intervening building or structure from abutting property, screening shall be required as provided within this section.
2. The buffer screening shall comply with the setback and yard requirements as provided in 155.632.
3. Walls, hedges, or other durable landscape barriers at least three feet in height, with appropriate spacing as provided in the SFWMD Guide, shall be accepted as screening material if that material can provide the required full screening from the abutting property.
4. In addition, trees and landscape beds shall be located between the common lot line and the off-street parking area or other vehicular use area. The required number of trees shall be calculated as one tree provided for every 50 lineal feet or fractional part thereof. Each tree shall be planted in at least a 100 square feet planting area consisting of grass, groundcover, or other landscape material with a minimal dimension of at least ten feet.

Non-living durable landscape material shall not be acceptable material for these landscape beds.

- (K) Diversification of ground cover, shrub and hedge material is required for all properties. The amount of diversification required shall be determined by staff based on the size and scope of the project.

## 155.662 SPECIFIC MINIMUM LANDSCAPE REQUIREMENTS

- (A) Minimum Landscape Requirements for Single-Family, Townhouse and Mobile- Residential Properties.

<b>Table 155.662 Minimum Landscape Requirements for Single Family, Townhouse [1] and Mobile Home Lots</b>				
<b>Lot Type</b>	<b>Lot Size</b>	<b>Minimum Number of Trees [2][3]</b>	<b>Minimum Number of Shrubs</b>	<b>Minimum Number of Accent Plans</b>
Single Family and Townhomes	Less than 4,000 Square Feet	1 tree	Ten	Two
Single Family and Townhomes	4,000 – 5,999 Square Feet	2 trees of two different species	Ten	Two
Single Family and Townhomes	6,000 – 7,999 Square Feet	3 trees, at minimum two different species	Ten	Two
Single Family and Townhomes	Greater than or equal to 8,000 Square Feet [4]	3 trees, at minimum two different species [4]	Ten [4]	Two
Mobile Home	All Sizes	One tree	Ten	N/A
<b>Note(s):</b>				
[1] Townhouse lots may be evaluated on a lot by lot basis for compliance with the provisions of this section.				
[2] . A minimum of one tree on site must be a canopy tree.				
[3] Where possible located in the front of the lot including swale area.				
[4] For all lots larger than 8,000 square feet in area, additional trees and shrubs shall be provided at the rate of one tree and three shrubs every 2,000 square feet of lot area; however there shall be no more than ten trees and 30 shrubs required per acre.				

- Swale trees shall consist of canopy trees. Alternative species may be utilized in lieu of canopy trees, as determined by the Planning and Economic Development Department Director or designee, in cases where canopy trees are not viable. The trees shall be planted to ensure that there is adequate root and canopy space upon maturity. Root barriers shall be installed, if, as determined by the Planning and Economic Development Department Director or designee,—they shall be required to allow for future controlled growth.

2. The complete site area shall be landscaped in accordance with the approved site plan. For residential properties over 10,000 square feet, the area in excess may be plugged, sprigged, or seeded.
3. The owner of an existing nonconforming single- family residence, under this subsection, may apply for mitigation pursuant to 155.680.

(B) Minimum Landscape Requirements for Multi-Family Residential Properties.

1. All landscape areas shall be installed according to the approved site plan.
2. Multifamily properties shall comply with the following minimum requirements:
  - (a) Shrubs:
    - i. Twenty-five per unit (first floor);
    - ii. Five additional shrubs per unit (second and third floors); and
    - iii. No additional shrubs required for units above fourth floor.
  - (b) Trees:
    - i. One and one-half canopy trees per unit (first floor);
    - ii. One additional canopy tree per unit (second floor);
    - iii. One-half additional canopy tree per unit in excess of two stories.

(C) Minimum Landscape Requirements for Non-Residential Properties.

1. For non-residential properties the planting requirement shall be calculated on the following basis:
  - (a) One tree every 5,000 square feet of gross area.
  - (b) Ten shrubs every 5,000 square feet of gross area.
2. Grass areas shall be sodded. Areas in excess of 20,000 square feet may be plugged, sprigged, or seeded.
3. The base of all ground signs must be adequately landscaped. Permit applications for ground signs must be accompanied by a landscape plan compliant with the following standards:
  - (a) Landscape area must consist of 2 layers of shrubs, groundcover, annual or perennial flowers, or some combination of live plants to complement and enhance the sign. Sod may not be used to meet this requirement.
  - (b) Sign landscaping is subject to landscape provision of this article.
  - (c) Ground sign landscaping shall be installed and maintained in a manner that does not obstruct the information displayed on the sign.
4. For industrial properties;
  - (a) A planting area, having a street frontage of not less than ten feet and a depth of not less than 20 feet, shall be provided and maintained on every lot in an I-L District. This area shall be located adjacent to a side lot line or in another manner which provides a total street frontage of not less than ten feet. Where a single structure occupies more than one lot, the landscaped area required by this division for each lot shall be provided. The area may, however, be combined and located in the same manner as if the total area occupied by the structure were a single lot.
  - (b) A planting strip not less than 50 feet in depth shall be provided along main arteries.
  - (c) Areas not covered by buildings, parking, driveways, or walled storage areas, shall be planted and landscaped; and shall be properly maintained by the owner of the property. Planting and landscaping plans for all areas required by this section shall be

submitted when building plans are submitted to the Planning and Economic Development Department for review.

- (d) No parking shall be allowed on any planting or landscaping area required by this section and those areas shall not be considered as providing any of the paved parking area required by this section.
- (e) Open storage, garbage and refuse. The storage of vehicles, equipment, materials, and supplies shall be within a building or within an area enclosed by a wall, fence, hedge, or other device which will effectively screen that storage from public view. Garbage or refuse shall be stored only within a building.
- (f) A perimeter buffer shall be used to provide a transition between one type of land use and another. This buffer shall be a continuous are of land along the perimeter of a Parcel of Land, including; landscaping, berms, walls, fences, and building setbacks.

(D) Minimum Landscape requirements for green walls.

1. A green wall, also referred to as a living wall or a vertical garden, is an internal or external wall partially or completely covered with vegetation that includes a support structure, growing medium, and integrated water delivery system. Green walls can contain one planting bed in the ground at the base of the wall; this is limited to one or two stories buildings with vine coverage; planting boxes at the bases of each floor for multi-story buildings, or individual planting cells uniformly dispersed over the entirety of the structure. Green walls can conserve energy and promote a healthy landscape.
2. Installation of a green wall shall require a building permit. The plan set submitted for the building permit application shall include, at a minimum, the following:
  - (a) The delineation of and the total area of green wall,
  - (b) The specifications for the irrigation system,
  - (c) The structural components of the support system and demonstrated compliance with the Florida Building Code,
  - (d) Identification of the planting medium, and the structure, size and location of planting cells and/or planting beds,
  - (e) A planting chart that includes plant identification, quantities and specifications,
  - (f) The plant installation specifications including how vines/plants will initially be fastened to the structure, and
3. A green wall shall comply with all the following installation standards:
  - (a) Shall include an irrigation system,
  - (b) The area delineated as green wall shall contain 100% living plant material and shall not incorporate artificial plant material into the green wall.
  - (c) Green walls greater than twenty (20) feet in height:
    - i. Shall have planting cells uniformly dispersed over the entire green wall area or have planting beds at multiple heights along the green wall area,
    - ii. Planting cells and planting beds shall be of sufficient size, spacing, and quantity to provide for a minimum of at least 60% coverage by installed plant materials on the delineated green wall area upon installation, and
    - iii. Installed material shall be of sufficient density and fullness to meet at least 60% coverage of the delineated green wall area upon installation.
4. All green walls shall comply with the following additional standards:

- (a) Installed plants shall be maintained and replaced as needed to ensure at minimum of 85% viability of quantity of installed material,
  - (b) Installed material shall attain an 95% coverage of the delineated green wall within one year of installation, and
  - (c) The green wall shall be maintained in an attractive condition free of weeds, debris and structural defects.
5. Green wall systems shall be permitted in all zoning categories. Nothing contained in this LDC, including design standards or guidelines included or referenced herein, shall be deemed to prohibit the installation of a green wall that meets the requirements of this section, as accessory equipment.
6. The green wall structural components (non-vegetative components) shall be in conformance with 155.626.
7. To be deemed a green wall it must cover at least forty (40) percent of the building elevation.

(E) Minimum Landscape Requirements for a Green Roof

1. A Green roof, also referred to as a living roof, is a roof of a building that is partially or completely covered with living vegetation and a growing medium, planted over a waterproofing membrane. A green roof also includes additional layers such as a root barrier and drainage and irrigation systems. A green roof can be comprised of a single planting bed or multiple individual planting bed components integrated as a single roof system.
2. Installation of a green roof shall require a building permit. The plan set submitted for the building permit application shall include, at a minimum, the following:
  - (a) A delineation of and the total area of the green roof,
  - (b) Specifications for the irrigation system,
  - (c) Specification on the structural components of the green roof system and demonstrated compliance with the Florida Building Code,
  - (d) Identification of the planting medium, and structure and location of planting cells if comprised of multiple integrated component beds,
  - (e) A planting chart that includes plant identification, quantities and specifications, and installation.
3. A green roof shall comply with all the following installation standards:
  - (a) Shall include an irrigation system, and
  - (b) Plant material shall meet at least 85% coverage of the delineated green roof area upon installation.
4. A green roof shall comply with the following additional standards:
  - (a) Installed plants shall be maintained and replaced as needed to ensure at minimum of 85% viability of quantity of installed material,
  - (b) Installed material shall attain an 100% coverage of the delineated green roof area within one year of installation, and
  - (c) The green roof shall be maintained in an attractive condition free of weeds, debris and structural defects.
5. Nothing contained in this LDC, including design standards or guidelines included or referenced herein, shall be deemed to prohibit the installation of a green roof that meets the requirements of this section, as accessory equipment to conforming buildings.

6. Due to design considerations and functionality requirements, a green roof system shall be in conformance with height limitations in 155.636.
7. To be deemed a green roof it must cover at least twenty-five (25) percent of the roof surface.

(F) Minimum Landscape Requirements for a Vegetable Garden. A Vegetable Garden shall comply with Florida State Statute section 604.71.

## 155.663 PARKING ISLANDS

- (A) Landscaping of interior parking areas, also defined as parking islands and other vehicular use areas within a property shall be a mixture of ground cover, turfgrass, hedge material, trees, and palms with no more than 50% of total island areas planned or installed as turfgrass sod or mulch. Interior islands must be a minimum ten feet wide from inside of curb adequately landscaped and contain minimum of one tree. The intent of interior parking islands is to create a fully landscaped parking lot without disrupting continuous parking stalls and to lower the area ambient surface temperature.
- (B) Parking lot landscaping should be designed to be sustainable and to function as part of the development's stormwater management system.
- (C) For other vehicular use areas only, where the strict application of minimal landscaping requirements will seriously limit the function of the area, the required landscaping may be located near perimeter of the paved area, including those perimeters that may be adjacent to a building on the site. The required interior landscaping which is relocated as provided herein shall be in addition to the perimeter landscape requirements.
- (D) Concrete curbing, wheel stops permanently anchored three feet away from landscape area at a four-inch height, or other approved equal shall be installed to prevent encroachment of vehicles into the required landscape area.
- (E) Individual interior parking lot areas shall be a minimum of 100 square feet total adequately landscaped with shrubs, groundcover, or other authorized landscape material not to exceed 24 inches in height in addition to requirements listed below. The landscape areas shall be located in such a manner as to divide and break up the expanse of paving.
- (F) Parking lots shall comply with the following minimum requirements:
1. One tree:
    - (a) Every five parking spaces; and
    - (b) Every 100 square feet of interior landscaping;
  2. Ten square feet of interior landscaping every parking space up to 50 spaces;
  3. One hundred square feet of landscaping every ten parking spaces over 50 spaces;
  4. One square foot of landscaping;

- (a) Every 100 square feet of paved areas up to 50,000 square feet; and
  - (b) Every 200 square feet of paved area over 50,000 square feet; and
- Interior parking landscape requirements shall be reduced by 25% for areas zoned for industrial use.

## 155.664 PLANT MATERIAL DESIGN AND INSTALLATION STANDARDS

- (A) All areas not covered by main and accessory structures, walks and vehicular use areas shall be fully landscaped with living plant material. Non-living landscape materials shall not be considered as substitution for living plant material unless specifically approved on the landscape plan.
- (B) Landscaped areas shall be constructed with no more than 25% of the total area of gravel, stone, or other similar materials. Landscape areas shall not be used for parking.
- (C) It shall be the duty of a property owner that all plant material and non-living durable landscaping material shall be installed and perpetually maintained in a manner as determined by qualified City staff to be generally consistent with proper horticultural practices found in the most recent editions of the following:
  - 1. Grades and Standards for Nursery Plants from the Florida Department of Agriculture Division of Plant Industry;
  - 2. Florida Friendly Best Management Practices for Protection of Water Resources by the Green Industries from the Florida Department of Environmental Protection;
  - 3. Selecting and Planting Trees for the South Florida Urban Forest from the Florida Urban Council;
  - 4. The Right Tree in the Right Place brochure from Florida Power and Light;
  - 5. American National Standards Institute A-300 and Z-133; and
  - 6. Principles and Practices of Planting Trees and Shrubs by Gary W. Watson and E.B. Himelick.
- (D) All installed plant material shall be a minimum grade of Florida #1 or better as identified in Grades and Standards by the Florida Department of Agriculture, where applicable.
- (E) All landscape areas excavated shall be filled with 50% muck soil mix.
- (F) All plant installations shall conform to all applicable regulations in regards to planting distances away from above ground utility structures and lines and shall not be installed underneath roofs, overhangs, and balconies unless their mature height does not encroach upon the structure.
- (G) All plant material shall not impede line of sight as stated in 155.660.

(H) For proper plant material health, all landscaped areas shall have a readily available water supply or an appropriate and functional irrigation system. Refer to irrigation requirements in 155.667.

(I) Sod

1. All irrigated landscape areas shall use solid St. Augustine, Bermuda or Palmetto Sod laid on a smooth planting base with tight joints at 100% coverage at time of planting and cut to fit all Landscape planters and curb areas unless otherwise approved by the Director of Planning and Economic Development Department.
2. Bahia sod may only be used on vacant land parcels for future development and may be sodded utilizing Bahia sod until such time that approved development of parcel commences.
3. Sod areas shall be identified and labeled on the Landscape plans.

(J) Groundcover installation standards:

1. Groundcover shall be installed using a minimum of 6 inches in depth of new topsoil.
2. All property other than the required landscaped strip lying between the right-of-way and off-street parking area or other vehicular use area shall be landscaped with at least grass or ground cover.
3. Turfgrass installation shall be completed by sodding and shall supply 100% coverage immediately upon installation. No more than 25% of total landscaped area shall be installed as turfgrass or mulch.
4. Wherein sod installation is impractical, qualified City landscape personnel may allow seeding or sprigging with prior written approval. Grass seed shall be clean and at least 90% weed free and free of noxious pests or diseases. The grass seed bags shall have Florida Department of Agriculture tags indicated compliance with the state's quality control program.
5. Other ornamental groundcovers used in lieu of turfgrass shall be installed to allow 75% coverage at installation and must have 100% within three months after planting.

(K) Vine installation specifications: Vines shall be a minimum of 30 inches in height at installation and may be used in conjunction with fences, screens, or walls to meet physical barrier requirements as specified.

(L) Shrubs and hedges:

1. Shrub, flower, and hedges shall be installed using a minimum of 6 inches in depth of new topsoil.
2. Shrubs shall be installed with a minimum 24 inches in height and 12 inches in spread, unless otherwise directed, immediately upon planting.
3. Shrubs shall be installed in a manner that prevents both intrusion and touching building surfaces from branches by the end of one year's growth.
4. Layering of shrub rows shall be done in accordance with the tallest mature shrubs placed in the back and progressively shorter mature shrubs placed progressively in the front section.

5. Hedges, where required on an approved landscape plan or by Code, shall be planted to form a future continuous, unbroken, solid visual screen within a maximum of one year after installation date.

(M) Trees: The minimum new tree installation requirements shall be delineated into four categories based on mature tree height and diameter at breast height.

1. Category I or known as large sized canopy tree: minimum of 14-16' in overall height and 3" diameter at breast height;
2. Category II or known as medium sized canopy tree: minimum of 12-14' in overall height and 2" diameter at breast height;
3. Category III or known as small sized canopy tree: minimum of 10-12' in overall height and 1.5" diameter at breast height; and
4. Category IV or known as palm category: minimum of 10' in overall height as determined by measurement from the ground to the top frond. In no circumstance shall category IV trees be construed as a hedge.
5. At the time of installation, a hole twice the size of the trees root ball must be excavated and backfilled with new 50% soil muck mix.
6. All guys and staking material shall be removed when the tree is stable and established, but in no case more than one year after initial planting of the tree. Stabilization shall be in accordance with ANSI A-300 and Z-133. Trees shall be re-staked in the event of blow over or other failures of the staking and guying.
  - (a) Nursery support must be removed at the time of installation; this will not be acceptable as the approved form of staking.
  - (b) Trees shall be staked every 120 degrees with a biodegradable twine keeping the tree upright or shall have 3 straps of biodegradable twine keeping the tree upright.

(N) Trees shall be species having an average mature spread of crown of 30 feet or greater and having trunk(s) which can be maintained in a clean condition over six feet of clear wood. Trees having an average mature spread of crown less than 30 feet may be substituted by grouping to create the equivalent of a 30-foot crown spread, this shall not include any non-trees. The average mature canopy spread shall be determined by current University of Florida IFAS extension office publications. City staff reserves the ability to determine the mature canopy spread if a publication cannot be found on any particular species.

(O) In the event canopy requirement cannot be met due to site limitations as determined by City landscape personnel, the equivalent value of the canopy tree shall be deposited into the City's Landscape Fund.

(P) A preferred tree planting list identified by category and type is on file with City landscape personnel. The types of trees on this list may be amended from time to time.

1. With regards to the approved species lists provided by the City landscape personnel, the scientific name shall take authority over the common name as amended by the scientific community from time to time.
2. Tree species not on the above approved lists can only be installed with prior written permission from the City.

3. Palms at a 3:1 ratio minimum ten feet in height, ten feet in spread, planted in close proximity to each other shall be considered as one canopy.
4. All trees shall be planned to ensure that there is adequate root and canopy space at maturity. Trees planted within ten feet of a paved surface or a form of infrastructure (determined to have an invasive root system) shall require an approved root barrier system.
5. All shade trees must be located a minimum of 15 feet from streetlight, and palms and small trees must be located a minimum of 7 feet 6 inches away from street light.
6. Trees shall have a 6.0' clear trunk to allow unobstructed pedestrian movement under or around tree canopy.

(Q) All species as defined as Category I invasive materials in the most recent document compiled by the Florida Exotic Pest Plant Council (FLEPPC) for the south region are prohibited from new installation. An exception may be made if, in the opinion of the City licensed landscape arborist or professional landscape inspector a Category I species will not be harmful in that particular area or to the immediate surrounding environment, it shall be allowed.

## 155.665 NON-LIVING DURABLE LANDSCAPE MATERIAL DESIGN AND INSTALLATION STANDARDS

(A) Any person, company, partnership, corporation, or service that installs non-living durable landscape material shall adhere to guidelines set forth in this article when applicable, and shall be installed to meet all other applicable ordinances and code requirements.

(B) Mulch.

1. A minimum of three inches of shredded, organic, heavy metal free mulch shall be installed around all tree plantings and landscape beds surrounding ornamental groundcovers, shrubs and hedges.
2. The use of mulch obtained from Melaleuca, Eucalyptus, or other invasive plant species is encouraged in order to reduce their impact on the environment and to preserve the remaining native plant communities.
3. Tree rings shall be a minimum of 12 inches away from the tree trunk flair but shall not be permitted within the first two inches from the tree trunk.

(C) Decorative rocks. Decorative rocks may be used in lieu of mulch installation with sizes ranging from two to four inches.

(d) Artificial Turf. Reference section 155.620 - 155.621

## 155.666 IRRIGATION STANDARDS

- (A) All landscape areas shall be provided with a permanent irrigation system maintained in good working order and designed to minimize water on impervious areas. The irrigation system must be designed to have a minimum of 100% coverage, with 50% minimum overlap.
- (B) All trees and palms located on non-single family residential properties, require the installation of an individual bubbler per tree and/or palm.
- (C) Each main line and zone valve shall comply with the guidelines set forth in the City Code as amended from time to time, and the latest revision of the Florida Irrigation Society Standards and Specifications. An irrigation system serving more than one property within a development or subdivision shall contain one or more main lines with separate manual zone valves for each individual parcel serviced by the system.
- (D) Irrigation systems shall be installed and maintained to eliminate water loss due to damaged, missing, or improperly operating sprinkler heads, emitters, and pipes and to minimize water on impervious areas.
- (E) Low-volume drip irrigation systems, emitter irrigation, and rain sensors where practical shall be encouraged to promote good Florida-friendly principles.
- (F) Amounts, hours and use of water for watering shall be in conformance with Chapter 50 of the City Code of Ordinances as may be amended from time to time, by reference as though fully set forth herein and shall be effective within the municipal limits of the City.
- (G) Reclaimed water shall be used in accordance with applicable federal, state, and local laws, rules and regulations. Pursuant to this section, reclaimed water may be used for irrigation of residential and non-residential lawns, golf courses, cemeteries, parks, landscaped areas, edible crops (as set forth in Code 62-610, Florida Administrative Code), highway medians, dust control, on construction sites, mixing of concrete, and cleaning of roads and sidewalks.

## LANDSCAPING – TREE PRESERVATION

## 155.668 GENERAL INTENT STANDARDS AND DUTIES – LANDSCAPING

The purpose of this section is to establish tree preservation standards within the City. The intent is to perpetuate the protection, preservation, and conservation of existing trees, natural areas, and landscaped open space as an effective means of conserving energy and to preserve trees to improve the aesthetic quality of the City thereby promoting the health and general welfare of the citizenry. Owing to these many benefits provided by trees, it is the intent of the City to protect this valuable resource through permitting for tree removal. In the evaluation of a tree removal permit, priority shall be given to protected trees for the preservation or relocation, replacement, and/or payment into the City Landscape Fund. In addition, it is the policy of the City Commission that every effort shall be made to preserve and maintain natural vegetation within the City as identified in the City's Comprehensive Plan.

## 155.669 MAINTENANCE STANDARDS – ALL PROPERTIES

- (A) Any person, company, partnership, corporation, or service that administers tree maintenance practices within the City shall adhere to all American National Standards Institute (ANSI) practices found under A300 and Z133.
- (B) Utility companies shall be permitted to perform necessary tree pruning around electric or utility conductors to prevent disruption of utility service or for safety reasons.
- (C) Necessary precautions to prevent damage to paved surfaces and infrastructure, particularly public works, must be taken. This may require the installation of a root barrier system.
- (D) Trees located within swales shall be maintained in accordance with Chapter 52 of the Code of Ordinances.

## 155.670 DUTIES OF PROPERTY OWNER FOR GENERAL LANDSCAPE MAINTENANCE

- (A) Property owner shall utilize tree installation and maintenance practices that follow guidelines set in The Florida Friendly Landscaping Program; such as staking, palm pruning and tress shaping while avoiding hat racking and over-lifting of the tree canopy.
- (B) Property owner shall maintain their lawn, hedges, trees, plants, ground covers and all other landscaping components free of refuse and unsightly debris, and present the property in a healthy, neatly trimmed fashion. Hedges shall be properly maintained to keep a neat orderly appearance and shall not exceed six feet in height for residential and eight feet for nonresidential properties.
- (C) In no case shall trees, hedges or other foliage visually or physically obstruct the right-of-way.

- (D) The duties of the property owner extend to landscape maintenance of adjacent right-of-ways, all easements, waterways directly abutting public right-of-ways, and where the ingress and egress from a property is over the waterway.
- (E) All fertilizer applicators will adhere to the standards set forth in the Florida Friendly Landscaping and Green Industries Best Management Practices from the Florida Department of Environmental Protection.
- (F) Property owner shall remove dead trees and their stumps, hazardous trees, or hazardous part(s) of the tree from the owner's property or the swale abutting owner's property upon notice by the City. The property owner shall apply for a tree removal permit prior to the removal of any tree. Upon the approval of the tree removal permit, you will have 90 days to remove and mitigate the tree as per permit specifications.
- (G) For the purposes of division (F) of this section, dead trees shall be defined as follows:
1. A palm shall be considered dead if more than 80% of the fronds are dead, leaving no more than three fronds remaining.
  2. Slash Pine (*Pinus elliottii* var. *densa*). The trees shall be considered dead if all of the pine needles are dead (red rusty color) or have fallen from the tree, and no new needles are budding out.
  3. All other species of tree: the tree shall be considered dead if all of the leaves or fronds have fallen or are dead and clinging to the tree. For species other than palms, the following criteria shall be applied in determining that the tree is dead:
    - (a) No new buds are appearing.
    - (b) The twigs at the ends of the branches are dry and brownish in color, both in the cambium and the pith (outer and inner layers of wood respectively), and snap when broken.
    - (c) The cambium layer (just beneath the bark) is brown and dry when cut to a depth of one and one-half inches at three and one-half feet above ground level for mature trees, and to a depth of one and one-half inches for smaller saplings.
- (H) For dead and hazardous trees, in the event the property owner does not uphold their duties, the City shall cause the tree or tree parts to be removed and shall bill the property owner for the cost of removal. In the event the property owner shall not pay the cost within 30 days, the City shall file a lien against the property for the cost of removal. Code Compliance shall have the discretion to allow property owner to pay the bill for removal in installments, in which event he shall apply interest at 6% per annum on the unpaid balance until paid in full.
- (I) In accordance with division (F) of this section, property owner shall remove all species as defined as category one invasive material in the most recent document compiled by the Florida Exotic Pest Plant Council (FLEPPC) for the south region.
- (J) Property owner shall restore canopy loss as a direct result of natural causation. Canopy restoration shall occur 120 days from notice of violation for residential, commercial, and

common area property. Any homeowner's association or condominium association may petition the Code Compliance Department for an extension of the timeframe set forth herein by submitting a plan detailing their efforts to comply with the terms of this section and consistent with the terms set forth in 155.677.

## 155.671 TREE MAINTENANCE COMPANIES WORKING IN PEMBROKE PINES

- (A) Any person, firm, corporation or other entity engaged in the business of tree maintenance or soliciting property owners for tree maintenance within the City must obtain a City local business tax receipt (LBTR). Proof as a current International Society of Arboriculture Certified Arborist or a current Class A or B Tree Trimmer License issued by the Broward County Environmental Licensing and Building Permitting Division shall be submitted at the time of application.
- (B) The person or business entity shall immediately notify the City at the loss of the above certified arborist or the Class A or B licenses. The person or entity will immediately lose the above local business tax receipt (LBTR) for tree maintenance until proof of current license(s) is shown.
- (C) The City may request that Broward County revoke a local business tax receipt (LBTR) in the event standards set in 155.669 are not met by the tree maintenance provider within Pembroke Pines.

## 155.672 IMPROPER TREE MAINTENANCE

- (A) Any person, company, partnership, corporation, or service that administers tree maintenance practices within the City that does not adhere to all American National Standards Institute (ANSI) practices found under A300 has committed tree abuse. Common tree abuse practices include but are not limited to the following:
  - 1. Hat-racking defined as indiscriminate cutting of branches to stubs or lateral branches that are not large enough to assume the terminal role.
  - 2. Shaping defined as topiary pruning of Category I, II, and III trees.
  - 3. Destruction of a tree's natural habit of growth.
  - 4. Removing over 25% of the tree's canopy at one pruning event.
  - 5. Over thinning of interior canopy.
  - 6. Over lifting of lower canopy.
  - 7. Use of climbing spikes, nails, or hooks into a tree except for the purposes of total tree removal or any action specifically permitted by standards set by ANSI A300 or Z133.
  - 8. Bark removal.
  - 9. Excessive root pruning as determined by an ISA Certified Arborist
- (B) Property owners are allowed to topiary prune only on trees with written City approval or identified on an approved landscape plan from the City as appropriate for topiary pruning.

- (C) Pruning or removal of aerial roots is prohibited unless for the prevention of damage to paved surfaces and infrastructure, as well as the health, safety, and wellbeing of citizens such as but not limited to clearing of sightlines, traffic areas, pedestrian walkways, and utilities.

## 155.673 REMEDIAL MEASURES FOR TREE ABUSE BY PROPERTY OWNERS

- (A) Tree abuse is a violation under City Code.
- (B) The property owner is solely responsible for any person that commits tree abuse as defined in 155.672 and shall be responsible for undertaking remedial measures and/or fines for the abused tree(s) on their property. If owner provides sufficient proof of company contracted then additional measures set forth in 153.671 shall apply.
- (C) Remedial measures may include but not limited to any or a combination of the following actions: no action for a prescribed time, corrective pruning to improve the health and form of affected trees, probationary period under a pruning plan developed by a ISA Certified Arborist, or tree removal if the natural habit of the tree has been destroyed and cannot be corrected.
- (D) Any tree removals under division (C) of this section shall apply for tree removal permit and follow permit requirements.

## 155.674 TREE REMOVAL OR RELOCATION PERMIT

- (A) No property owner shall cut down or relocate any tree without first obtaining a permit from the City as herein provided. No trees shall be removed from any public land, including, but not limited to street right-of-way and swale areas, without the approval of the City.
- (B) A tree removal or relocation permit shall be in a written form provided by the City for the property owner to request a tree removal or relocation. The applicant must state on the form the reason for the tree removal or relocation. The property owner or agent must fill out and sign the permit, provide the required documentation, and indicate that they will follow all terms and conditions associated with the permit issuance.
- (C) In addition, the property owner must attach the following items at the time of the permit application:
1. Letter from their homeowner association stating that the owner has their permission to act and either a photo of the tree or a detailed map indicating the tree location. Properties not under a homeowner association are not required to have said letter.
  2. A sketch or map indicating the location and number of trees slated for removal / relocation.

3. At least once color photo of east tree being applied for. Attach additional photos as needed.
  4. Form of payment with appropriate fees; check, money order, etc.
  5. A copy of the notice of code violation (if applicable).
- (D) If all documentation is not received at the time of application, city officials may not proceed with processing the permit until all requested information is received.
- (E) The fee for tree removal or relocation can be found within the Planning and Economic Development Department's fee schedule. A fee schedule is available in the City Clerk's and Planning and Economic Development Department offices upon request. The fee is due at the time of the application submission and will not be returned if permit is denied by the City.
- (F) Application fees shall be waived for species identified as category one invasive trees in the most recent document compiled by the Florida Exotic Pest Plant Council (FLEPPC) for the south region. Replacement value shall be determined by qualified City staff.

## 155.675 STANDARDS FOR TREE REMOVAL OR RELOCATION PERMIT ISSUANCE

- (A) Application for a permit request by this section shall be reviewed by the City that may include a visual inspection of the site. The City shall upon visual inspection of the tree determine whether requested tree(s) meet removal or if relocation is more beneficial than removal, the City may require the property owner to relocate the tree at the owner's expense.
- (B) The City shall as a condition of the issuance of a tree removal permit require replacement tree(s) for canopy replacement at the property owner's expense.
- (C) At least one of the following conditions must be demonstrated to the satisfaction of the City, as determined by the Landscape Division staff, in order to issue a tree removal or relocation permit:
1. The tree unreasonably restricts the permitted use of the property.
  2. A proposed development cannot be located on the site without tree removal, and all applicable development permits have been issued by the responsible governing authority.
  3. The property owner has made every reasonable effort to incorporate existing trees in the development project and to minimize the number of trees removed.
  4. The tree is significantly damaging existing structures and cannot be mitigated through proper arboricultural practices or reasonable modifications to the property.
  5. The tree interferes with utility services and cannot be mitigated through proper arboricultural practices.
  6. The tree creates an on-going safety problem for the existing development and cannot be mitigated through proper arboricultural practices.
  7. The tree is obstructing safe sightlines.

8. The tree is growing too close in proximity to another more valuable tree(s) to permit normal growth and development of the affected tree(s).
  9. The tree is of poor quality and condition but is not considered a hazardous tree.
  10. It is in the public interest and welfare that the tree be removed for a reason other than set forth herein.
- (D) All tree replacements or relocations shall be completed within six months of the permit issuance unless the property owner receives written notification from the City granting an extension.

## 155.676 CONDITIONS FOR TREE REMOVALS AND RELOCATION PERMITS

- (A) Tree relocations and replacement trees shall be located within the site or, with concurrence of the City, on public or private land within a reasonable proximity of the site. Sites can also include public land in the City or donating to any citizen or citizen groups for the purpose of public interest and welfare as prior approved by the City.
- (B) Relocated trees and replacement trees shall be planted in the area with adequate space for root and canopy growth and development and shall be planted in a location that will not interfere with existing or proposed utilities or other cables either above or below ground. The City may refer the installation site to such City departments or other utility agencies having an interest to determine the effect on public welfare, adjacent properties, or other public services and facilities before permitting the relocation or tree replacement site.
- (C) The property owner shall refrain from causing unnecessary damages to other trees remaining on the site while planting or preparing the site for relocation or replacement.
- (D) All new trees and palms shall be installed using commonly accepted industry practices for tree/palm installation. Remedial corrections may be requested by City landscape representative if installation was done contrary to industry standards. The property owner is responsible for removing all landscape supports after proper establishment or a maximum of one year after installation.
- (E) All replacement trees shall be a minimum tree grade of Florida #1 or better as identified in Grades and Standards by the Florida Department of Agriculture.
- (F) All permitted tree removals shall include removal of their stumps.
- (G) Native replacement canopy trees must be used in removals of native trees.
- (H) A list of preferred tree species updated at the discretion of qualified City staff is available through City landscape personnel.

## 155.677 CANOPY TREE AND PALM REPLACEMENT

- (A) The property owner shall install one and one-half replacement canopy trees of equivalent canopy area for every one non-specimen canopy tree permitted to be removed. City officials shall round up to the nearest whole number to calculate the required amount of replacement canopy trees. Existing site vegetation may be taken into consideration by City staff when determining replacement.
- (B) For specimen trees only, the replacement canopy tree calculation shall be obtained by a certified arborist using tree appraisal guidelines set in the most recent edition of the Guide for Plant Appraisal published by the Council of Tree and Landscape Appraisers and submitted to the City for review. Appraisal guidelines shall determine a dollar value for the requested removed tree which shall include purchase price of the replacement trees plus installation cost. The City shall use the specimen tree's dollar value to calculate the compensatory required number of replacement canopy trees.
- (C) The ultimate goal of the City shall be to replace canopy for canopy. The following replacement canopy tree minimum specifications shall be for Category I through IV, as listed below.
1. Category I canopy trees: minimum of 14' in height and 3" diameter at breast height.
  2. Category II canopy trees: minimum of 12' height and 2" diameter at breast height.
  3. Category III small trees: minimum of 10' in height and 1.5" diameter at breast height.
  4. Category IV palms: minimum of 10' in height and a mature canopy spread of 10'.
- (D) The property owner shall install one Category IV palm for every one palm removed. A multi-trunked palm shall be considered as one palm. Three Category IV palms in close proximity to each other may be used as one canopy replacement tree.
- (E) If the number of required replacement trees is greater than five, the City shall require the property owner to install no more than 20% of any given species.
- (F) Written approval must be obtained from the City prior to installation if the minimum tree size is commercially unavailable. Credit at the City's discretion may be given to a property owner for the installation of larger trees.
- (G) If determined by the City that the replacement value for a removed tree is not feasible due to lack of available planting space on site only, the property owner shall hire qualified landscape personnel and submit a mitigation plan in accordance with the conditions set forth in 155.680. This requirement may be waived by City landscape personnel for limited scope projects.
- (H) Property owner may be required to submit a mitigation plan in accordance with conditions set in 155.680 for removal of Category I invasive tree in the most recent document compiled by the Florida Exotic Pest Plant Council (FLEPPC) for the south region.

## 155.678 RELOCATION OF TREES

- (A) Relocation of Non-Specimen Trees.

1. All relocations shall be in accordance to industry standards set by the International Society of Arboriculture, as amended. Industry standards extend to post-installation phase including but not limited to bracing, watering, and fertilization.
2. All root and canopy pruning shall be conducted prior to the tree's relocation and transportation.
3. During relocation and transplanted, the root ball shall be protected and kept moist at all times.
4. Trees with a dormancy period shall be transported during the dormancy phase.
5. No trees shall be relocated or transplanted during periods of strong, dry winds or during a water shortage as determined by the South Florida Water Management District.

(B) Relocation of Specimen Trees.

1. Relocated specimen trees may require a bond issuance to insure the survival of the specimen trees designated for preservation, unless otherwise exempted in writing from the City, from the property owner.
  - (a) Bonding specifications.
    - i. The bond shall meet the approval of the City Attorney and may be in the form of a letter of credit, cash bond or other form accepted by the City Attorney. The bond must be drawn upon a bank or saving and loan institution or insurance company authorized to conduct business in the State of Florida.
    - ii. This bond shall be in addition to any other bond that may be required by any other government agency.
    - iii. The amount of the bond shall be determined based upon computations calculated in accordance with the most current version of the Guide for Plant Appraisals published by the Council of Tree and Landscape Appraisers.
    - iv. Governmental entities shall be exempt from this bond requirement so long as sufficient security is provided as accepted by the City Attorney.
  - (b) Bond release requirements.
    - i. The specimen tree relocation bond will be released upon successful tree relocation as set forth in this section and written approval is obtained from the City Landscape Division.
    - ii. Written approval by the City landscape personnel may only be obtained upon the completion of construction activities and where it is determined by the City landscape personnel that the tree is not effectively destroyed one year from the date of relocation.
    - iii. The City may release a bond where a tree relocation permit is transferred. The release of the bond may be conditioned upon the posting of a new bond by the subsequent permittee.
2. If within one year of relocation the tree is determined to be effectively destroyed, the bond shall be drawn upon in accordance with the value of the tree pursuant to the most recent edition to the Guide for Plant Appraisals published by the Council of Tree and Landscape Appraisers. Such funds will be deposited into the City's Landscape Fund and shall be used by the City to replace the effectively destroyed tree.

## 155.679 ENFORCEMENT – LANDSCAPING

- (A) The City Manager shall designate personnel to be responsible for implementing and enforcing the provisions of this section and any pertinent policies of the City Commission and shall prescribe the duties thereof.
- (B) Police officers and Code Compliance Officers, including, but not limited to the City landscape personnel, shall enforce the provisions of this section. Violation of any provision of this section may be pursued by the appropriate remedy in court or by the Code Compliance Board as contemplated in 10.99.
- (C) Police, Code Compliance, or the City landscape personnel may order that work not in accordance with the section's provisions be stopped and such persons performing work shall immediately cease such work. The work may not resume until such time as the person is in compliance with this section.
- (D) During emergency conditions caused by a hurricane or other disaster, the provisions of this section shall be suspended by resolution of the City, until the end of the emergency period.
- (E) Violations of this section shall be punishable as provided by 10.99.

## 155.680 MITIGATION PLAN

- (A) Residential. The residential Mitigation Plan is intended to provide homeowner associations the ability to meet minimum landscape requirements while not compromising infrastructure. This plan shall provide alternatives to the requirements set forth in this section and will be determined by the Landscape division of the Planning and Economic Development Department upon review and inspection.
- (B) Non-Residential. The Non-Residential Mitigation Plan is intended to provide property owners the ability to meet minimum landscape requirements. The guidelines shall provide alternatives to the requirements set forth in this section. Non-residential properties may also contribute to the landscape fund as defined in 155.681 in addition to the proposed mitigation plan. This plan will be reviewed by the Landscape division of the Planning and Economic Development Department.
- (C) Items subject to a mitigation plan may include but shall not be limited to:
  - 1. The removal of Category I invasive materials as defined by the Florida Exotic Pest Plant Council
  - 2. The substitution of any tree(s) of lesser size(s) than previously approved by the city due to existing approved site limitations.
  - 3. The substitution of any tree(s) species which if planted would cause property damage.

- (D) The city landscape personnel will review the plan based on quality of material and site limitations. Once the property meets the intent of the purposes of the section, the approved landscape plan will stay on file with the city and act as the new standard for the property until modifications to site are made.
- (E) Mitigation credits shall apply: The property owner's registered landscape personnel shall appraise the tree's current value pursuant to the newest edition of the Guide for Plant Appraisal published by the Council of Tree and Landscape Appraisers to be reviewed by city landscape personnel. Value shall include trees required for replacement, cost of installation, and maintenance. Contribution to City Landscape Fund or landscape contribution on said property will act in lieu of tree replacement.

### 155.681 LANDSCAPE FUND

There is hereby a Landscape Fund for the deposit of funds in the accordance with the provisions of this section. Landscape Fund shall directly benefit landscape improvements and green initiatives within the City. If it is determined that mitigation cannot occur on the proposed site at the time of tree removal or landscape plan review, staff of the Landscape Division shall determine the value of contribution to the Landscape Fund for those qualifying projects. .

### 155.682 EXEMPTIONS – LANDSCAPING

- (A) All properties on or within the immediate vicinity of the North Perry Airport shall comply with federal regulations set forth by the Federal Aviation Administration (FAA) regarding canopy height considerations only where applicable. Any other conflicting FAA landscape regulations with the City Code will be judged on a case by case basis.
- (B) All waterways or waterway maintenance easements shall be landscaped to the water's edge in accordance with the applicable drainage or water management district standards and shall be shown on the landscape plan.
- (C) Where there may be interference with existing or proposed utilities, either above or below ground.
- (D) All landscaping shall comply with all applicable federal and state regulations.

## LIGHTING

### 155.685 PURPOSE AND INTENT – LIGHTING

The purpose and intent of this section is to ensure that exterior (outdoor) lighting positively enhances the visual impact of a building or project on surrounding properties and uses. To that end, exterior lighting at a building or project should be designed, operated, and installed in a consistent and coordinated fashion to provide safe, convenient and efficient lighting for customers, pedestrians and vehicles, while avoiding the creation of hot spots, glare, obtrusive light, light pollution, light trespass, and visual nuisance. Also, exterior lighting should accentuate key architectural elements of a building or project, and highlight or otherwise emphasize landscape features.

#### (A) Guiding principles.

1. Lighting designs shall be of a consistent design within each respective site, and should minimize light trespass/pollution and impact on neighboring properties and natural habitats, while ensuring safety, security, utility, productivity, commerce, livability, and enjoyment. Lighting equipment should be responsibly selected and sourced through careful consideration of the short and long-term financial, environmental, and social costs incurred through lighting.
2. Energy and resource should be conserved to the greatest extent possible. Designs should be practical as well as financially and technologically feasible, based on industry-acceptable best practices. Energy efficient practices and lighting is encouraged

### 155.686 GENERAL LIGHTING STANDARDS

(A) Lighting. Shall at a minimum meet all applicable local, state, and Federal codes and regulations.

(B) Exterior lighting plan. An exterior lighting plan, including a photometric plan (which covers the parcel which is the site of the building or project in question), appropriate pole, fixture, and lamp cut sheets, and descriptions of lenses and appropriate data tables, shall be submitted for site plan review.

1. The exterior lighting plan shall be prepared by a licensed professional engineer, who shall certify that the exterior lighting plan complies with this section.
2. The photometric plan shall be prepared in a scale that is easily legible. The current edition of the “IES Lighting Handbook,” published by the Illumination Engineers Society is the standard to be used by the engineer as a guide for the design and testing of lighting plans.
3. The standards contained therein shall apply unless standards developed and adopted by this section or subsequent amendments are more restrictive, in which case the more restrictive standards shall apply.

4. Lighting equipment must be of commercial quality and listed with a Nationally Recognized Testing Laboratory (NRTL) such as Underwriters Laboratories (U.L.) or Electrical Testing Labs (ETL).

(C) Pole lighting height standard. All private, pole mounted, outdoor surface lot lighting shall be limited to 30 feet in height above grade. Non-vehicular pedestrian areas shall incorporate pedestrian scale lighting where appropriate.

(D) Illumination levels. The maximum illumination for a project shall be 12 f.c. with the minimum average illumination, at grade, to be not less than two foot-candles, average maintained over the site. The illumination level at the property line of any project shall be a maximum of 0.5 f.c. To avoid glare or spill light from encroaching onto adjacent properties, illumination shall be installed with house side shields and reflectors, and shall be maintained in such a manner as to confine light rays to the premises of the building or project. Color Correlated Temperature (CCT). The maximum color correlated temperature for a site shall be as follows:

Table 155.686 Color Correlated Temperature (CCT)	
Location	Maximum Color Correlated Temperature
B-2, B-3, C-1, I-L, I-M and I-H Zoning Districts	4,000K
B-1, PO, A, U, A-E, R-R, REC and CF Zoning Districts	3,000 K
Residential Common Area	3,000 K
Natural Areas, Preserves and Environmentally Sensitive Areas	3,000 K
Private Recreational Facilities	[1]
[1] The applicant may submit an illumination study, prepared in accordance with IES standards, specifying the minimum correlated color temperature (CCT) appropriate for the intended recreational use. The maximum CCT shall be subject to review and final determination by the Planning and Economic Development Director or Designee.	

(E) Installation. The lighting installation shall not be placed in permanent use until a letter of compliance from a registered engineer or architect has been provided stating that installation has been field checked and meets the requirements of this section.

(F) Architectural and landscape lighting.

1. Lighting should be designed, installed, and controlled to ensure that the lights only illuminate the intended object(s).
2. The placement of light poles shall consider existing and proposed ultimate growth of all landscaping and tree canopies to minimize or prevent conflicts between landscaping and lighting systems.
3. To the extent practical and where possible, lighting fixtures shall be directed downward rather than upward. Directional shielding shall be implemented to minimize or prevent glare, light trespass, and light pollution.
4. When up lighting is required, lighting systems should be low in intensity and incorporate full shielding.
5. Ground mounted lighting should be screened from view.

(G) Construction lighting.

1. All construction site lighting fixtures must be full cut-off or directionally shielded fixtures that are aimed and controlled so the directed light is substantially confined to the object intended to be illuminated and not directly visible outside of the property.
2. Interior construction lights shall be extinguished after the work has been completed for the day unless needed to ensure safety, security, or legal compliance.
3. A building is no longer considered under construction once exterior walls and windows are installed and permanent lighting replaces temporary lighting as the primary source of light for the building.

(H) Nonconforming lighting.

1. When 50% or more of any component (e.g., luminaires, poles) of the exterior lighting system at a building or project is upgraded, changed, or replaced (not including regular maintenance), such component for the remainder of the exterior lighting shall be brought in compliance with all applicable requirements of this section.
2. In the event less than 50% of the exterior lighting system is being replaced and the Planning and Economic Development Director or designee determine that an equivalent replacement is no longer obtainable, due to obsolescence or lack of supply, such component for the remainder of exterior light shall be brought in compliance with all applicable requirements of this section.

## 155.687 NON-RESIDENTIAL LIGHTING STANDARDS

(A) Light fixtures; types.

1. Pole mounted light fixtures on non-residential properties shall be full cutoff fixtures, and shall be incorporated as an integral design element that complements the design of the building or project through style, material or color. Exception - non-cutoff fixtures for pedestrian scale lighting for walkways may be utilized for non-residential projects upon review and approval of the Planning and Zoning Board. Planning and Zoning Board consideration may be with restrictions.
2. Lighting of buildings shall be limited to wall washer type fixtures or up-lights, which do not produce spill light or glare. Sag lenses, convex lenses, and drop lenses shall be prohibited.
3. Security lighting. Attached building fixtures, utilized for parking lot security purposes only, may be aimed no higher than 45 degrees above straight down.
4. Time controls and dimmers. Non-residential lighting shall be installed with time controls and dimmers which will assure that the required illumination shall be provided at dusk and that light levels are reduced not later than one hour by a minimum of 25% after the close of operations to the minimum levels needed to ensure safety and security.

(B) Illumination levels, Private Recreational Facilities.

1. The applicant may submit an illumination study, prepared in accordance with IES standards, specifying the minimum foot candle appropriate for the intended recreational

use. The maximum foot candles shall be subject to review and final determination by the Planning and Economic Development Director or Designee.

## 155.688 OUTDOOR DINING AND RETAIL LIGHTING

- (A) Exterior dining and retail areas, including but not limited to car dealerships, gas stations, outdoor markets, and drive-through facilities, require lighting necessary to allow customers to comfortably eat and review outdoor merchandise for extended times, and create safe pedestrian passage.
- (B) Canopied areas. At a canopied area, such as those found at drive-through facilities at banks, service stations, convenience centers, and car-washes, lighting under the canopied area shall be either recessed or cut-off fixtures. The maximum, footcandle level (under such canopied area) shall be 24 f.c. at grade, with a maximum to minimum ratio of 2:1. The remainder of the site shall be subject to illumination levels required per general standards.
- (C) Outdoor dining areas.
- a. Lighting fixtures must be included and reviewed as part of the outdoor dining proposal.
  - b. The lighting must be decorative and complement the architectural character of the building and area as determined by the City's Zoning Official.
  - c. Lighting must be installed at a scale that is deemed appropriate for the outdoor dining area as determined by the City's Zoning Official, however, lighting shall be not be installed or extend beyond the roof line of the primary building.
  - d. Lights mounted on the building shall not cause direct glare or other visual obstruction to pedestrians or vehicle drivers along the street and public walkway, and should illuminate only the sidewalk area.
  - e. Full cutoff fixtures are required for any lamp type with an initial output of greater than or equal to 2,000 lumens.
  - f. All fixture types will be allowed for any lamp types below 2,000 lumens. Shielding of fixtures is not required but recommended.
  - g. Lighting shall not be affixed or mounted to public property or landscaping.
  - h. Lighting shall not expand beyond the approved outdoor dining area.

## 155.689 LIGHTING OF RESIDENTIAL COMMON AREAS

- (A) Residential common areas (clubhouses, guardhouses, entry features, pool areas, private residential parks, tot lots, etc.) shall require the following light design standards.

- (B) Full cutoff fixtures are required for any lamp type with an initial output of greater than or equal to 2,000 lumens.
1. Examples of lamp types of 2,000 lumens include the following:
    - (a) 100 watt standard incandescent;
    - (b) 15 watt cool white fluorescent;
    - (c) 15 watt compact fluorescent;
    - (d) 18 watt LED fluorescent; and
    - (e) 20 watt warm white LED light bulb.
- (C) All fixture types will be allowed for any lamp types below 2,000 lumens. Shielding of fixtures is not required but recommended.
- (D) Featured up lighting for landscaping, buildings, and water features may be allowed, provided light sources are completely shielded from public view.

## 155.690 LIGHTING OF NATURAL AREAS, PRESERVES AND ENVIRONMENTALLY SENSITIVE AREAS

- (A) Lighting systems in natural areas, preserves and environmentally sensitive areas shall employ adaptive lighting techniques such as dimmers, shielding, anti-glare filters, and time controls in order to minimize the effect on the natural habitat and wildlife in the area.
- (B) Amber colored LEDs are encouraged where possible in the design.

## 155.691 PROHIBITED LIGHTING

- (A) Prohibited lighting.
1. High intensity, special purpose lighting such as aerial lasers and “searchlight” style lights.
  2. Low pressure sodium lighting.
  3. Search lights, laser source lights, strobe or flashing lights, motion or illusion lights or any similar high-intensity light shall not be permitted, except in emergencies by police and fire at their direction.
  4. Mercury vapor lamps.
  5. Lighting that can be confused for a traffic control device.
  6. Blinking, flashing, moving, flickering, changing intensity, changing color lights not otherwise permitted in this section as determined by staff of the Planning and Economic Development Department.
  7. Any exposed lamp or bulb visible from the property boundary of parcel on which the light is located.
  8. Unshielded accent building mounted luminous tube.
  9. Lighting used to internally illuminate an awning of a building.

10. Sag lenses, convex lenses, and drop lenses.

## 155.692 EXEMPTIONS – LIGHTING

- (A) Public facilities including but not limited to parks; lighted recreation and athletic areas, courts and fields; and water and wastewater treatment facilities shall be exempted from these standards.
- (B) Lighting for airports is subject to regulations set forth by the Federal Aviation Administration.
- (C) Lighting for public streets, roads, and right-of-way.
- (D) Emergency lighting for non-structural/temporary purposes including but not limited to:
  - 1. State of emergency;
  - 2. Law enforcement;
  - 3. Fire services; and
  - 4. Emergency medical services.
- (E) Exterior seasonal lights are exempt from the standards provided they meet the following conditions:
  - 1. Are installed properly and in compliance with all applicable codes and regulations;
  - 2. Do not pose a threat to the safety and security of occupants, visitors, motorists or passersby;
  - 3. Are not a nuisance to those in the surrounding area or motorists; and
  - 4. Suspended in a way which do not pose a safety or fire hazard.
- (F) Traffic signs or lights as part of road work and maintenance activities (i.e. repairs, setup, and tear-down) may supersede the lighting restrictions to ensure the safety and security of maintenance staff.
- (G) Automated Teller Machines must meet the requirements set forth in F.S. § 655.962 and as amended.
- (H) Other Federal or state properties and or use which may have regulations which supersede municipal requirements.
- (I) Municipal signage.

## SIGNS

### 155.695 PURPOSE – SIGNS

(A) The purpose of this section is to create the framework for a comprehensive but balanced system of sign control, thereby facilitating a clear and pleasant communication between people and their environment. It is the belief of the City Commission that the nature of signs is to provide an index to the needed goods and services. It is the intention of this section to authorize the use of signs which are:

1. Appropriate in dimension and scale with surrounding buildings, shopping center and community.
2. Content neutral
3. Expressive of the identity of individual proprietors or the community as a whole.
4. Legible under the circumstances in which they are seen.
5. Effective in indexing the environment.
6. Promotive of the aesthetics, health, safety, welfare, and the assurance of protection of adequate lighting, energy, and air space within the City by regulation of the posting, displaying, erection, use, and maintenance of signs.
7. May also be determined by staff to ensure the sign is complementary to the surrounding community.

(B) Applicability. The provisions of this section include but are not limited to:

1. General Standards
2. Location
3. Sign Plans
4. Permanent Signs
5. Temporary Signs
6. Nonconforming signs
7. Exemptions
8. Prohibitions
9. Inspection and Violations

### 155.696 GENERAL STANDARDS – SIGNS

(A) The following general standards shall apply to all signs city-wide:

1. **Obscene.** It shall be unlawful for any person to display upon any sign or other advertising structure any obscene or indecent matter. No sign shall display any statement, word, character, or illustration of an obscene nature, as defined by F.S. Code 847, as may be amended from time to time.
2. **Measurement.** A sign calculation graphic will be maintained in the Planning and Economic Development Department.
3. **Misleading.** It shall be unlawful for a person to display false or misleading statements upon signs, intended to mislead the public as to anything sold, any services to be performed or information disseminated. The fact that any sign or display shall contain words or language sufficient to mislead a reasonable and prudent person in reading same, shall be prima facie evidence of a violation of this section by the person displaying the sign or permitting same to be displayed.
4. **Non-commercial Copy.** Any sign authorized in this article may contain non-commercial copy in lieu of any other copy. However, in non-residential zoning districts, the area of a sign containing non-commercial copy shall be construed to count towards the total signage area allowed for the sign type that it most closely resembles. Any sign allowed under this article may contain, in lieu of any other message or copy, any lawful non-commercial message that does not direct attention to a business operated for profit, or to a product, commodity or service for sale or lease, or to any other commercial interest or activity, so long as said sign complies with the size, height, area and other requirements of this article.
5. In accordance with F.S. § 526.111, 526.121, and 553.79, as may be amended from time to time, this article shall not apply to the design, construction, or location of signage advertising the retail price of gasoline.
6. In accordance with F.S. § 533.79, as amended from time to time, this article does not authorize the City to adopt or enforce any regulation that conflicts with or impairs corporate trademarks, service marks, trade dress, logos, color patterns, design scheme insignia, image standards, or other features of corporate branding identity on real property or improvements thereon used in activities conducted under F.S. Code 526, or in carrying out business activities defined as a franchise by Federal Trade commission regulations in 16 CFR section 436.1, et seq. This subsection does not affect any requirement for design and construction in the Florida Building Code.

## 155.697 LOCATION - SIGNS

No sign or support shall be placed in such position or manner as to obstruct or interfere, either physically or visually, with any fire alarm, police alarm, traffic signal, sign, or any devices maintained by or under public authority; or ingress or egress from any public or private right-of-way, roadway, or driveway.

## 155.698 SIGN PLANS

(A) Uniform Sign Plan

1. Shopping center signs. A uniform sign plan shall be required by the City for all attached tenant wall signs within shopping centers. The owner or owner-designated agent of a shopping center must create or revise a uniform sign plan to reflect the requirements of this section prior to the issuance of any future sign permits by the City. Uniform sign plans shall:
  - (a) Be coordinated through and approved by the shopping center owner.
  - (b) Be presented for the whole shopping center, which shall be compatible with the architectural design of the entire center and enhance the aesthetics of the center.
  - (c) A uniform sign plan shall be approved by the Planning and Zoning Board. The process to modify an existing uniform sign plan shall be determined by the Zoning Administrator. Signs utilizing white or black faces and/or legally registered and recognized logos, trademarks, or letter style shall be considered and may be permitted with approval of both the landlord and the City. Logos, trademarks, or letter styles that are of a different color than the approved uniform sign plan color guidelines will be considered during the permitting process upon review of compatibility issues by the City's Zoning Official. State or nationally registered trademarks/logos that the Zoning Official deems to be egregious or objectionable may be denied. The decision of the Zoning Official is appealable to the Planning and Zoning Board.
  - (d) Box or cabinet signs shall be allowed when presented as part of a uniform sign plan.
  - (e) Tenant signs within a uniform sign plan shall be limited to the following:
    - i. One font;
    - ii. One text color;
    - iii. One background color;
    - iv. One sign frame color;
    - v. Uniform material type; and
    - vi. One type of interior illumination.
  - (f) Uniform sign plans shall include the following standards and specifications:
    - i. Height (sign copy). Sign copy shall have a maximum of 48 inches;
    - ii. Length (sign structure and sign copy). Sign copy shall be limited to a maximum of 75% of leased frontage.
    - iii. Tenants shall be allowed a maximum of 1.5 square feet per lineal foot of leased frontage, or 120 square feet whichever is less;
    - iv. Brightness. Illuminated and other lighting effects shall not create a nuisance to adjacent property or create a traffic hazard;
    - v. Typical sign type;
    - vi. Sign material(s);
    - vii. Method of illumination
    - viii. Hours of illumination; and
    - ix. Maximum sign coverage (as a percentage of sign band).
  - (g) Uniform sign plans must incorporate illustration(s) of typical tenant sign to include:
    - i. Dimensions of proposed sign to show height, length and width of sign (sign structure and sign copy);
    - ii. Area of proposed sign face and logos;
    - iii. Exterior color(s) of typical sign including sign face and frame;

- iv. Font on sign face; and
  - v. Elevation(s) of a typical tenant storefront(s) with the proposed sign location. Tenant sign must be centered both vertically and horizontally on the sign band.
- (h) Tenants are allowed one sign on each shopping center bay primary frontage.
- (i) Tenants occupying a corner bay within a shopping center shall be allowed an additional sign on the store's secondary frontage which shall not exceed the size of the sign on the primary frontage. Sign area for both signs shall not exceed a maximum area of 120 square feet.

(B) Master Sign Plan

1. Master sign plan. Signs for regional malls, as defined in Article 2, hospitals or licensed facilities, as defined in F.S. § 395.002, may be established through a master sign plan. Sign standards as to type, number, size, height, or other design provisions established in addition to or in lieu of the restrictions placed on signs by this section are to be incorporated into the master sign plan.
- (a) Requirements.
- i. Master sign plans shall illustrate all proposed signs in sufficient detail so as to provide knowledgeable review and design specificity. Master sign plans shall show, describe or illustrate all signs proposed to be located on a lot and the buildings and structures therein, whether existing or new, and whether permitted by right or as additional signage under these regulations.
  - ii. Regional mall, hospital or licensed facility use must be the primary use of the property for which the master sign plan is created.
  - iii. Minimum lot size of five acres is required to develop a master sign plan for hospitals or licensed facilities.
  - iv. Master sign plans shall not be exempt from 155.699 and 155.6100.
  - v. Upon approval, the master sign plan shall supersede any conflicting restrictions and regulations of the sign code unless specifically listed within.
- (b) Master sign plan application. An application for a master sign plan shall include the following information:
- i. Accurate site plan, including location of building(s), parking lot(s), driveway(s), and landscaped area(s);
  - ii. A drawing showing details of construction and foundation of proposed sign(s);
  - iii. An accurate indication of the location of each present and proposed future sign of any type, whether requiring a permit or not;
  - iv. An elevation drawing or photo depicting the proposed location of sign(s) on buildings, walls or windows;
  - v. A scaled drawing showing the size, shape, design, colors, materials, lighting and letter styles of proposed sign(s);
  - vi. Exterior paint or stain samples of the colors to be used in the construction of proposed sign(s);
  - vii. Computation of the maximum total sign area. For buildings with two or more separate businesses, computations shall identify the total maximum area each individual business will be allowed;

- viii. Plans, including window signage, should indicate the area(s) of the window(s) to be covered and the general type of window signs (for example, painted, etched, stenciled, and the like);
  - ix. Master sign plans must be signed by all owners or their authorized agents;
  - x. Any other maps, drawings or materials as required by the Planning and Economic Development Department (including a colored rendering of the sign) to adequately describe the sign proposal.
- (c) Master sign plan review. An application for a master sign plan shall be reviewed by Planning and Zoning Board and be determined consistent with 155.695.
- (d) Individual sign permits. Individual sign building permits are required for all signs contained within an approved master sign plan.

## 155.699 PERMANENT SIGNS

Only such permanent signs as are detailed herein below shall be permitted to be erected or maintained upon any building lot, lot, or parcel of land:

Table 155.699: Permanent Signs				
Sign Type	Maximum Square Footage	Maximum Number of Signs	Maximum Height	Additional Regulations
Car Dealership Monument Sign	48 square feet	1. An additional sign is allowed if the dealership fronts on two main thoroughfares of at least secondary arterial designation (80 feet right-of-way) , or the dealership has a minimum 1,500 lineal feet of frontage along a single thoroughfare.	9 feet	A third monument sign shall be permitted if the shopping center meets both of the aforementioned standards.
Car Dealership Wall Signage	400 square feet	N/A	N/A	No more than 200 square feet shall be placed on the primary facade.  All secondary sign area shall be equal to or less than the total sign area on the primary façade.
Directional and Informational Signs	1.5 square feet	To be determined by staff based on shopping center design and circulation	Shall be in conformance with engineering standards in code 52.	Allowed where there are two or more buildings; a building has a drive thru; or a building is not visible from primary frontage.
Directory Sign	32 square feet	1 per ingress to the site	8 feet	Not to exceed 3 signs per shopping center

<b>Table 155.699: Permanent Signs</b>				
<b>Sign Type</b>	<b>Maximum Square Footage</b>	<b>Maximum Number of Signs</b>	<b>Maximum Height</b>	<b>Additional Regulations</b>
Menu Board	32 square feet	1 per drive thru lane	N/A	Illuminated sign shall not be visible from adjacent right-of-way.
Pre-Menu Board	10 square feet	1 per drive thru lane	N/A	Illuminated signs shall not be visible from adjacent right-of-way. There shall be at least 20' separation between the pre-menu board and menu board.
Model Home Signs	3 square feet	1 per model	N/A	N/A
Nameplate / Identification Sign	3 square feet	1 in the front and the rear of the building / tenant bay	3 inches	N/A
Outparcels and Freestanding Building Monument Sign	24 square feet	1	7.5 feet	Shall count towards the maximum allowed sign area for the site (120 square feet)
Outparcels and Freestanding Building Wall Signs	Up to 120 square feet for the site (including monument sign)	N/A	N/A	No more than 60 square feet of signage shall be placed on the primary façade. Secondary Sign area shall be equal to or less than the sign on the primary façade.
Parking Identification Signs	1.5 square feet	1 per designated parking space	8.5 feet	N/A
Regional Mall Outparcel Monument Sign	24 square feet facing Pines Boulevard or other arterial roadway and 16 square feet facing the ring road or interior of the site	2, one facing Pines Boulevard or other arterial roadway, and the second facing the ring road or interior of the site	7.5 feet	N/A
Regional Mall Outparcel Wall Sign	80 square feet	N/A	N/A	No more than 40 square feet of signage shall be placed on the primary façade. Secondary Sign area shall be equal to or less than the sign on the primary façade.

Table 155.699: Permanent Signs				
Sign Type	Maximum Square Footage	Maximum Number of Signs	Maximum Height	Additional Regulations
Residential Subdivision Sign	32 square feet	1 per subdivision entrance. Signs located on either side of the entrance shall be counted as 1 sign	15 feet above grade[1]	N/A
Service Station Monument Sign	36 square feet total	1	7.5 feet	Price panels shall not exceed 24 square feet
Service Station Wall Sign	Up to 120 square feet for the site (including monument sign)	N/A	N/A	. No more than 60 square feet of signage shall be placed on the primary façade. Secondary Sign area (including canopy) shall be equal to or less than the sign on the primary façade.
Shopping Center Monument Sign	48 square feet	1 per shopping center, plus one additional if the shopping center fronts on two main thoroughfares of at least secondary arterial designation (80 feet right-of-way) , or the shopping center has a minimum 1,500 lineal feet of frontage along a single thoroughfare.	9 feet	A third monument sign shall be permitted if the shopping center meets both of the aforementioned standards.
Supergraphics	25% of the area of the primary building face.	N/A	N/A	N/A
Tenant Bay Wall Sign	Master or Uniform Sign Plan	Master or Uniform Sign Plan	Master or Uniform Sign Plan	Master or Uniform Sign Plan
<p>[1] The sign copy is limited to 15 feet above grade, the structure may extend past 15 feet from grade.</p> <p>All electrical wiring, conduit, connections and the like shall be internally routed, so they are not exposed to view . Electrical boxes shall be painted to match the façade or concealed where feasible.</p> <p>No sign shall impede traffic flow or visibility.</p>				

155.6100 PERMANENT SIGNS – SUPPLEMENTAL REGULATIONS

(A) Bus bench advertising signs. Bus bench advertising signs must be located on bona fide bus stops, one bench per stop. Signs shall conform to the conditions of the City's contract entered into with a qualified bus bench provider.

(B) Changeable Copy Signs

1. The following uses may be permitted an additional 50 square feet of sign area to display changeable copy
  - (a) Changeable copy wall signage may be permitted for outparcels and freestanding buildings which are occupied by:
    - i. Theaters
  - (b) Changeable copy monument signage may be permitted for outparcels and free standing buildings which are occupied by
    - i. Community facilities
    - ii. Schools
    - iii. Religious institutions
  - (c) Changeable copy signage may also be permitted for inline tenant bays which are occupied by multi-screen theater tenants.
2. Theaters may be permitted additional sign area to display changeable copy, not to exceed 25 square feet per additional screen with a maximum of 175 square feet of total sign area, if the theater contains eight or more screens.

(C) Directory signs.

1. Directory signage may be permitted with shopping centers, office and/or industrial parks upon satisfying the following design criteria and gaining the approval of the Planning and Zoning Board.
  - (a) Directory signs shall be designed, built and maintained by the center owner.
  - (b) Individual tenant identification lettering shall not be less than two inches in height.
  - (c) Location. Entry areas where vehicular pull- off zones are provided. Within pedestrian zones as part of an information kiosk or as a map- board. The placement of directory signs shall in no manner impede traffic flow or visibility or cause any parking reductions.
  - (d) Colors/materials. Compatible with the center's approved colors and principal signage features identified in the uniform sign plan.

(D) Outparcels and freestanding buildings.

1. The maximum allowable sign area for an outparcel or freestanding building shall be 120 square feet or 1.5 square feet per foot of frontage, whichever is less.
2. The maximum allowable letter height on a sign for an outparcel or freestanding building shall be 48 inches.
3. Signs on outparcels and freestanding buildings may be placed on any elevation.

(E) Regional mall outparcels.

1. Materials used for freestanding signs must be compatible with materials used in the building.
2. Wall signage: letters shall not exceed 48 inches in height.
3. There shall be no advertising flags, pennants, streamers or the like displayed on any building or on the property, except for grand opening or special promotional displays which shall be limited to no more than 30 days.

(F) Service stations.

1. Signage on structures and canopies shall have a maximum letter height of 36 inches.
2. Monument signs. Monument sign displays must include price panels. The monument sign may be internally illuminated.
  - (a) The number of signs for self-service and full-service shall be equal.
  - (b) All price panels for gasoline products at service stations shall display the highest price if there is a difference between the cash and credit prices.
  - (c) All price signs for gasoline products at gasoline service stations shall display separately and specifically, with equal prominence, the full-service price and the self-service price, in numbers or letters of equal size and on equally sized backgrounds with the same color combination and with equal illumination, if any. The number of signs for self-service and full-service shall be equal.

(G) Shopping Center Monument signs.

1. Unless otherwise provided for herein, shopping centers shall be entitled to one monument sign.
2. Monument signs in shopping centers shall be subject to the guidelines set forth in 155.698(A). Monument signs utilizing legally registered and recognized logos, trademarks or letter style shall be considered and may be permitted with approval of both the landlord and the City. Logos, trademarks or letter styles that are of a different color than the approved uniform sign plan color guidelines will be considered during the permitting process upon review of compatibility issues by the City's Zoning Official. State or nationally registered trademarks/logos that the Zoning Official deems to be egregious or objectionable may be denied. The decision of the Zoning Official is appealable to the Planning and Zoning Board.
3. The name and street address of the shopping center shall be posted on the top of each sign; however, it shall not be factored into the total square footage. The name and address shall be no larger than nine square feet and one and one-half feet in height. The numbers of the street address shall be no less than six inches in height. If a shopping center does not have a name, the street address shall be included on the sign in accordance with this section.
4. Each monument sign shall contain no more than four panels on a maximum of 2 sides, not including the name and street address of the shopping center. Each panel shall be limited to two lines of text.
5. Monument signs may include the property management or leasing information on the base of the sign. Such information shall not be illuminated and have a maximum size

- of five square feet, which shall not count towards the overall square footage of the monument sign or count as a panel.
6. Monument signs shall have sufficient architectural spacing between sign panels to ensure legibility, subject to approval by the Planning and Economic Development Department.
  7. Shopping center monument signs shall be separated by a minimum of 500 feet.
  8. All signs shall comply with 52.10(B) (4) of this code of ordinances.
- (H) Supergraphics. Supergraphics are permitted by approval of the Planning and Zoning Board. The criteria for supergraphics are as follows:
1. The proposed general design, arrangement, texture, material, colors, lighting, placement, and the appropriateness of the proposed supergraphic must rationally relate to other signs and the other structures, both on the premises and in the surrounding areas.
  2. The supergraphic shall contain no lettering or business identification or logo or symbol used as a sign.
  3. The number of items (scenes, symbols, shapes) shall be consistent with the amount of information which can be comprehended by the viewer and shall avoid visual clutter.
  4. The shape of the supergraphic shall not create visual clutter.
  5. The size, style, and location of the supergraphic shall be appropriate to the activity of the message.
  6. The supergraphic shall complement the building and adjacent buildings by being designed and placed to enhance the structure.
  7. The supergraphic should be consolidated into a minimum number of elements.
  8. No additional or increased lighting shall be permitted which would cause attention to be focused upon the supergraphic. Normal wall lighting, at the intensity as for unadorned walls, may be provided.
  9. The supergraphic may be placed on any building face but shall not exceed 25% of the area of the primary building face.
- (I) Under-canopy signs may be permanently installed in shopping centers perpendicular to the store front, equidistant between the store front and the canopy edge, centered in the store frontage. This sign shall be no longer than 50% of the width of the canopy up to a maximum of four feet in length. The depth shall meet ADA requirements. Internal illumination shall be allowable. Under-canopy signs must be uniform throughout the shopping center and must be provided through the owner of the shopping center or agent.

## 155.6101 TEMPORARY SIGNS

- (A) The City has the authority to remove all temporary signs installed or placed on public or private rights-of-way. Temporary signs that are freestanding signs shall not be placed within the sight triangle of an intersection as required by 155.600.

- (B) During such periods of time as are designated by the United States Weather Bureau as being a hurricane warning or severe storm warning or alert, the owner, occupant, or user of the property where the temporary sign is placed shall take precautions for removing or securing such signs, in accordance with the pertinent provisions of the Florida Building Code, as may be amended from time to time. If the property owner fails to remove a temporary sign during such weather conditions, the City may remove those signs it deems to be a danger to the public safety and welfare, and the cost of the sign removal shall be charged to the property owner.
- (C) Unless otherwise noted within the provision of this LDC, all temporary signs shall be non-illuminated.
- (D) Only such temporary signs as are detailed herein below shall be permitted to be erected temporarily upon any building lot, lot, or parcel of land:

<b>Table 155.6101: Temporary Signs</b>					
<b>Sign Type</b>	<b>Maximum Square Footage</b>	<b>Maximum Number of Signs</b>	<b>Maximum Height</b>	<b>Duration</b>	<b>Removal</b>
<b>Non-Residential</b>					
<b>Ground signs for Parcels Under Construction</b>	32 square feet	1 per frontage	7.5 feet	Sign may be displayed on site while construction is active	Prior to the issuance of a certificate of occupancy or certificate of completion
<b>Leasing Banner – Nonresidential</b>	32 square feet	1 per vacant tenant	N/A	Not erected until the property or tenant bay is offered for sale, rent, or lease	Within three days of closing or the signing of a lease agreement
<b>Real Estate Sale - Nonresidential and Multi-Family Residential</b>	32 square feet	1 per street frontage	7.5 feet	Not erected until the property or tenant bay is offered for sale, rent, or lease	Within three days of closing or the signing of a lease agreement
<b>Sidewalk Signs</b>	6 square feet	1 per tenant or business	3.5 feet	During operating hours	removed at the close of business

Table 155.6101: Temporary Signs					
Sign Type	Maximum Square Footage	Maximum Number of Signs	Maximum Height	Duration	Removal
<b>Non-Residential</b>					
<b>Special Event Banners</b>	32 square feet	1	N/A	Displayed no more than seven days prior to the date of the special event	Within 24 hours of the conclusion of the special event
<b>Temporary Banner Signs</b>	32 square feet	1	N/A	Up to 90 days after installation.	N/A
<b>Residential</b>					
<b>Non-Commercial Signs</b>	4 square feet per sign and 8 square feet per parcel	N/A	5 feet	No more than 120 days in any 12-month period	N/A
<b>Real Estate Sale and Leasing</b>	4 square feet	1 per street frontage	5 feet	Not erected until the property is offered for sale, rent, or lease	Within three days of closing or the signing of a lease agreement

## 155.6102 TEMPORARY SIGNS – SUPPLEMENTAL REGULATIONS

### (A) Non-Residential

1. Leasing banners
  - (a) Leasing banners shall include those signs containing verbiage indicating the vacancy of nonresidential buildings.
  - (b) Leasing banners shall be located on a vacant tenant bay sign band within a shopping center; or primary frontage of freestanding building or outparcel.
  - (c) Leasing banners shall conform to the uniform sign plan, where applicable or be compatible with the architecture/building design in buildings where a uniform sign plan is not required.
  - (d) Building permits shall be required for leasing banners.
2. Fence signs for parcels under construction.

- (a) Signs shall consist of banners, wraps or similar material and shall be securely affixed to the fence on which they are located, and any portions of a sign that become partially detached shall be promptly re-affixed to the fence; and
  - (b) Signs and the fencing to which they are affixed shall be maintained in good condition at all times and graffiti or other forms of defacement shall be removed or repaired promptly.
  - (c) Sign may be displayed while construction is active. The sign shall be removed prior to the issuance of a certificate of occupancy or certificate of completion.
3. Banner signs.
- (a) All banner signs shall require a building permit.
  - (b) Banners shall be placed on the primary façade of the building and within the tenant's lease lines.
  - (c) Temporary Banners
    - i. Temporary banners shall not be permitted after 90 days of an active local business tax receipt by the City.
    - ii. Temporary business identification banners shall conform to the uniform sign plan, where applicable, or be compatible with the architecture/ building design in buildings where a uniform sign plan is not required.
  - (d) Special event banners.
    - i. Special event banners shall include those signs used to market or advertise a special event.
    - ii. Special event banners must be approved in conjunction with the approval of a special event.
    - iii. Special event banners shall conform to the architecture/building design in buildings where a uniform sign plan is not required.
4. Window signs and coverings. Window signs and coverings shall comply with the following requirements:
- (a) Window signage/graphics/lettering/logos.
    - i. Window graphics/signage includes all lettering, advertising, logos, graphics, pictures, and the like, excluding the business address and hours of operation.
    - ii. This section applies to clear windows, windows completely covered by approved gray scale window perforation and windows completely tinted.
    - iii. Window graphics/signage area for all windows shall not exceed 20% of the total window area.
    - iv. Any window perforation and/or tinting used to highlight only a portion of a window, whether or not it has graphics/signage, counts towards the 20% coverage limitation.
    - v. Window graphics/signage coverage shall be determined by measuring the outside perimeter of the graphics or sign.
    - vi. Window signs and tinting shall not be installed in a manner which would unreasonably obstruct the view of public safety personnel.
  - (b) Window treatment/window coverings.
    - i. Any type of material(s) covering/blocking windows, including but not limited to, curtains, drapes, blinds, solar screens, and storm shutters, other than those specifically addressed in this section, will not count towards the overall sign area permitted for windows, and shall not include any type of graphics/signage.

- ii. Window covering shall be 65% to 100% gray scale, or color of surrounding wall only, and be consistent across the frontage of a business.
  - iii. No reflective and/or bronze tinting allowed.
- (c) Entry doors.
- i. Entry doors to a business shall be considered clear zones for security and safety purposes and shall remain clear of any window graphics/signage.
  - ii. Clear security/safety window covering is allowed on entry doors.
  - iii. Each place of business may exhibit the street address and hours of operation on entry doors. Letters within such signage shall not be greater than two inches in height, and may only consist of solid vinyl letters, with no background color, or window perforation.
- (d) Neon signs shall be limited to one for every other (alternating) vertical window panel surface with no two adjacent window panels containing such a sign and no sign exceeding three square feet. No duplicate sign shall be allowed on a single building face. Where these signs are of a type which plugs into an existing electrical outlet, they shall be exempt from existing electrical permit requirements.
5. Freestanding on site “open hours” and open house signs shall be allowed in addition to other permitted signs. Said “open hours” and open house signs may only be displayed when the premises are actually available for inspection by the prospective buyer or tenant, and shall be limited to three signs total.
6. Sidewalk signs. Sidewalk signs shall comply with the following requirements:
- (a) Location.
- i. Located on a paved private walkway in a manner that the walkway continues to meet the minimum ADA requirements.
  - ii. Sidewalk signs shall be placed on a private sidewalk of business storefront, or on private property of a freestanding building on a parcel or outparcel and shall be located within five feet from the store front entrance for which it is associated.
  - iii. No signs shall be placed in the public right-of-way.
- (b) Display characteristics.
- i. Sidewalk signs shall be freestanding, double-sided, single panel signs on a base. Sandwich or A-frame sign designs are prohibited.
- (c) Hours of display.
- i. Sidewalk signs shall only be displayed during business hours.
  - ii. Sidewalk signs shall be removed at the close of business each day.
  - iii. Sidewalk signs shall be moved inside during high winds or other weather conditions that might cause the signs to pose a hazard to public safety.

### 155.6103 SIGNS ON RIGHTS-OF-WAY AND PUBLIC PROPERTY.

- (A) Only noncommercial signs erected by or on behalf of a governmental entity or public utility shall be allowed upon public property or in a public or private right-of-way.
- (B) Only signs placed at the direction of the City, or as may be required by this article, may be allowed on public property. This includes signs posted to provide notice for governmental

action or events, digital display signs erected by the City on public property, and any City gateway signs installed by the City in public or private rights-of-way.

- (C) Non-complying signs on public property. Any sign installed or placed on public property, except in conformance with the provisions of this section, shall be forfeited to the public and subject to confiscation. In addition to other remedies, the City shall have the right to recover from the owner or person responsible for the placement of the sign the full costs of its removal and disposal.
- (D) Signs on public property.
1. The City Manager or designee may allow temporary signs to be placed on public property.
  2. To protect the health, safety and welfare of motorist and pedestrians; signs may not be placed within parking spaces or on driveways.
  3. Signs shall not be placed in any manner as to damage infrastructure or create hazards or in conflict with line of sight.
  4. Signs may only remain in place during hours of operation.

## 155.6104 NONCONFORMING SIGNS.

- (A) A sign or advertising structure existing within the City limits on the effective date of this section, or a sign or advertising structure existing in an area annexed to the City after the effective date of this LDC, which by its height, square foot area, location, use, or structural support, does not conform to the requirements of this section, shall hereafter be termed nonconforming.
- (B) Any nonconforming sign that shall cease being used or cease being leased for a continuous period of one year shall not be reused for sign purposes unless and until it is used in conformity with the standards of this article.
- (C) Nonconforming signs shall not be altered or enlarged unless they are made to conform to all the requirements of a new sign or advertising display.
- (D) If any nonconforming sign is damaged by any cause or is otherwise in need of repair to such an extent that the cost of repairing the sign equals 50% or more of the original invoiced cost of the sign, then its classification as a nonconforming sign under this section shall be automatically revoked and repairs shall be made so that the sign shall meet all the requirements of this section.

## 155.6105 EXEMPT SIGNS

All vehicle signs shall be exempt from all provisions of this section except when those signs are utilized at a specific location or site for advertising or display purposes in addition to or in lieu of a permanent or temporary sign as permitted under this section.

## 155.6106 PERMIT AND FEE REQUIRED; EXEMPTIONS – SIGNS

- (A) Permit required. It shall be unlawful for any person to install, alter, or cause to be installed or altered within the municipal limits of the City, any sign, whether permanent or temporary, without first having obtained a permit from the Building department.
- (B) Signs exempt from permit requirements. The following signs, while covered by the general provisions of this section, shall be exempt from the permit requirements of this section. This exemption specifically in no way waives requirements of structural or safety requirements outlined by this section or the Florida Building Code.
1. Signs installed under the direction of a federal, state, county, or municipal agency.
  2. Window signs.
  3. Real estate signs.
  4. Nameplate signs and identification signs when letters for those signs do not exceed six inches in height and when those signs do not exceed two square feet in overall dimensions.
  5. Signs indicating the availability of accommodations in hotels, motels, and the like, when those signs conform to all other provisions of this section; and when signs do not exceed 1½ square feet.
  6. Public safety signs.

## 155.6107 PROHIBITED SIGNS

- (A) The following are those signs which shall not be permitted within the municipal limits of the City:
1. Animated signs.
  2. A-frame sign.
  3. Snipe signs.
  4. Flags, or pennants, when used for advertising purposes, except as provided under 155.6102.
  5. Exposed neon tubes or bare bulb signs or neon borders inside window frames.
  6. Permanent signs which are illuminated from outside the boundaries of the sign by visible lighting fixtures.
  7. Roof signs.
  8. Billboards.
  9. The use of flat faced vinyl against a Plexiglas, or other flat material, background.
  10. Vehicle, mobile billboard, or trailer signs when used on a given location or site in addition to or in lieu of a temporary or permanent sign permitted under this section, unless required by governmental agencies.

- (a) When a vehicle or trailer indicates the name of a business on it, such vehicle or trailer, when not in use for its intended purpose of transportation, shall be required to be parked in the rear of the parking lot or in the rear of the building which contains the business.
11. Vehicle removable signs when the sign is projected in excess of 18 inches from the foremost point of attachment of the sign to the vehicle.
  12. Signs projecting in excess of 18 inches from the foremost point of attachment of the sign to the structure upon which it is constructed.
  13. Painted wall signs-
  14. All abandoned signs, sign cabinets, poles, frames, structures, and electrical fixtures must be removed by owner/lessee or agent.
  15. Pole signs, including when attached to a vehicle or structure, except as in 155.696.
  16. Projecting signs.
  17. Inflatable balloons, regardless of the method of inflation, and regardless of whether they are tethered.
  18. Banner Signs, including when attached to a vehicle of any kind or structure unless otherwise permitted.
- (B) Sandwich signs and snipe signs, as set forth in division (A) (2) and (3) of this section, are classified as litter, as defined by 94.46 of this code of ordinances, and may be removed by the City. Persons placing these signs within the municipal limits of the City may be subject to a citation for violation of 132.04 of this code of ordinances or may be further subject to the issuance of a Notice to Appear by the City of Pembroke Pines Police Department.

## 155.6108 INSPECTION OF SIGNS BY CITY; SIGNS IN VIOLATION

- (A) The Chief Building Official shall inspect, or cause to be inspected, all permanent signs located within the City at least once in each year, prior to the renewal of their local business tax receipts.
- (B) Upon inspection, this section shall require the owner of any sign found to be in defective condition, or which does not comply with the terms, conditions, and provisions of this section, to be repaired or removed within 30 days from the date of notice of the defect. If the Chief Building Official shall ascertain and determine that the maintenance or use of the sign adversely affects the public safety, he may require the immediate removal at owner's expense or prohibit the use of the sign until those defects shall have been remedied.
- (C) The Chief Building Official shall then have the authority, upon two weeks' notice, to remove any sign which is not properly maintained, and without notice in the event the sign is found, in their determination, to constitute a danger to human life or encroaches on a public right-of-way. In the event of removal of a sign pursuant to this section, the owner/lessee or agent shall bear the cost of removal in addition to the penalties.

## **SUPPLEMENTAL SITE DEVELOPMENT STANDARDS**

### **155.6110 SUPPLEMENTAL SITE DEVELOPMENT STANDARDS - GENERAL**

#### **(A) Purpose**

This section is intended to identify supplemental site development standards in addition to those defined in Articles 4 and 5.

#### **(B) Applicability**

This section shall regulate the following:

1. Elevation of Filled Land

2. Excavation
3. Floor Area Ratio
4. Relation of Grade of Floors to Crown of Street
5. Residential Use in a Non-Residential District
6. Sewage Disposal
7. Waterways

## 155.6111 ELEVATION OF FILLED LAND

- (A) Any filled land created contiguous to the mainland or to any developed island in the City shall be filled so that the settled elevation of the filled land shall not be less than 5½ feet.
- (B) All elevations required in this section shall be measured above mean sea level, U.S.C. and G.S. datum.

## 155.6112 EXCAVATION

- (A) Permit Required; Permit Renewal.

1. A permit for new excavation shall be obtained from the City Engineering Department.
2. After an original permit for an excavation has been issued, the enforcing officer shall issue a renewal permit for the continuance of the excavation in accordance with the original permit and plans, where the work has been conducted in accordance with those plans and with these regulations.
3. Within 30 days after this code is adopted, owners or operators of existing excavations shall submit to the enforcing officer a plat showing their presently owned property adjacent to and forming a continuous property with the existing excavation area. The plat shall also show future right-of-way lines and the final limits to which the owner or operator plans to carry excavations in that property. These plats are to be kept for record, and the excavations indicated thereon will be exempt from the requirements of these regulations, with the following exceptions:
  - (a) The owners or operators of excavations existing at the time this code is adopted shall apply for an excavation permit within 30 days after this section is officially adopted.
  - (b) Sections 5 and 6 below shall apply to excavations existing at the time this section is officially adopted.
4. Yearly renewals of the excavation permit shall be granted to the owners and operators of excavations existing at the time this section is adopted, provided the applicable requirements are complied with.
5. Any extension, beyond the excavation limits shown in each plat required by division 3 of this section to be filed with the Engineering Department, shall be treated as a new excavation; and shall, therefore, be subject to the full requirements of these regulations.
6. Where excavation has been discontinued for a period of six months or more, or has been abandoned, any renewal or resumption of excavation shall be required to be subject to a

permit for a new excavation, and the issuance of a permit therefor shall be subject to all the requirements of this section for a new permit.

(B) Application for permit; plans and surveys.

1. Applications for original permits shall be accompanied by the following:
  - (a) A lot plan to show the property owned or controlled by the applicant with reference to streets, highways, and contiguous platted areas.
  - (b) Cross-sections to show approximate elevation and grades at the final outside boundaries of excavation.
  - (c) A final grading plan to show the ground elevations of the land immediately adjacent to the side of the excavation and all of bounding streets or roads.
  - (d) Upon completion of the excavation, and when there is a question that the excavation is in accordance with the plans approved, a topographical survey may be required showing elevations and cross-sections of the final outside boundaries of each excavation at 100-foot intervals.
  - (e) The plans, maps, elevations, and cross-sections required by this section shall be made by a surveyor-engineer registered as such by the state.

(C) Performance bond. The applicant for a permit for an excavation shall post a performance bond which, shall be determined by the City's Engineering Division for each waterway to be excavated conditioned upon complete compliance with the regulations of the City pertaining to the initiation, conduct, and completion of excavations in a manner conforming to this article, within a period of not more than one year after the excavation has been carried to the extent authorized by a valid permit, or after work on excavation has been abandoned or discontinued for a period of six months or more.

(D) Zoning limitations

1. The use of heavy machinery for extraction and removal of natural material or deposits is permissible where the removal has been approved and authorized by permit.
2. The land area exposed by the extraction and removal of natural materials or deposits shall be left suitable for future use and development purposes in accordance with the final grading plan and in accordance with any zoning regulations applicable thereto.
3. New excavation shall be a permissible use only in a zoning district wherein that use is permissible under this code, subject to the provisions of this section.
4. An existing excavation for which a permit is issued pursuant to 155.6102(A) may be continued and extended pursuant to that permit and shall not be construed to be a nonconforming use.

(E) Location. No excavation shall be allowed within 50 feet of the future right-of-way line for any street or highway, nor within 100 feet of any private property line for lots less than one acre and 30 feet of any property line for lots one acre or greater.

(F) Posting of warning signs. During the excavation operations, the premises shall be suitably posted with warning signs of such character and location as may be adequate to warn the public concerning possible hazards.

(G) Conduct of excavation operation

1. The grading, leveling, and sloping of the final banks shall be on a progressive basis as the project develops and the excavation progresses.
2. If sand is encountered during excavation, the vertical cut at the final bank shall be modified in such a manner that the required perimeter slope of one vertical to five horizontal will be sustained and maintained.
3. The property shall be staked along the property line and the top-slope line in the portion of the final perimeter to which the excavation extends during the period covered by the yearly permit in effect. Stakes shall be maintained in proper fashion during that period so that the limits of excavation slopes and grade levels in that portion of the final perimeter may be easily determined and verified.
4. During the entire operation, dynamite shall not be used except in accordance with state regulations.
5. The hours of operation shall be limited to the period between the hours of 7:00 a.m. and 10:00 p.m. Monday through Saturday.
6. Every owner or operator of any excavation shall be insured to the extent of \$100,000 against liability arising from any activities or operations incidental to excavation carried on or conducted pursuant to any permit or approval given for that excavation by the City.
7. All excavation access-roads shall be well sprinkled to minimize dust. This sprinkling shall not be required 500 feet or more from a public street or highway.

(H) Clean-up and rehabilitation

1. Upon completion of the project, the property shall be dressed up so that it will be left in a presentable condition.
2. The perimeter of the excavation shall be properly backfilled and graded. Slopes shall comply with 154.31(E).
3. Whenever excavation operations on any property shall have been completed, abandoned, or permanently discontinued, then all plants, buildings, structures (except fences), and equipment shall be entirely removed from that property; and all stockpiles, topsoil, refuse, or waste materials shall be removed, redistributed on the premises, or backfilled within the pit, within one year after the completion. However, the provisions of this division shall not apply to any plants, buildings, structures, equipment, or stockpiles whenever and so long as any rock, gravel, or other materials shall be available from other properties for processing by or through any such plants, buildings, structures, or equipment.
4. These provisions shall not apply to any portion of an existing excavation which was in existence at the time of the passage of these regulations.

(I) Filling of excavations; permit required

1. Excavations may be filled if a permit is obtained from the Engineering Division, subject to the following conditions:
  - (a) The applicant for permit and the owner of property shall comply with such terms and conditions as may be required to prevent objectionable odors; to prevent the operation from becoming detrimental to the health, safety, and general welfare of the adjacent neighborhood; and which will prevent promiscuous dumping by unauthorized persons.
  - (b) That a top-dressing, consisting of not less than one foot of clear fill, shall be provided so that the property shall be in a clean, presentable, and sanitary condition.
  - (c) That the owner of the property, and the operator, shall post a bond in such amount as may be determined by the enforcing officer as necessary to insure compliance with the terms and conditions as may be established for the filling permit.
  - (d) No permit shall be issued for, or excavation or other area filled with refuse, debris, junk, organic material or garbage, unless the use conforms to all applicable zoning resolutions and conforms to any applicable regulations of the appropriate health officials.

### 155.6113 FLOOR AREA RATIO – NON-RESIDENTIAL

- (A) Floor area ratio is the gross floor area of all buildings or structures on a lot divided by the total lot area.
- (B) The maximum floor area ratio of proposed non-residential development, including mixed use developments (FAR's are provided for within the proposed Mixed Use-Residential land use category – Section F (Permitted Uses) of the City Comprehensive Plan, upon lands designated commercial, commercial recreation, office park, industrial, employment center, employment center – low, Conservation – Reserve Water Supply Areas, Conservation – Natural Reservations, local activity center, Transit Oriented Corridor, Transit Oriented Development, and regional activity center shall be as follows:
  1. 0.25 for buildings not exceeding one story
  2. 0.50 for buildings two stories or greater
  3. All buildings greater than 0.50 up to 1.0 shall be subject to the special exception process as outlined in Article 3.

### 155.6114 RELATION OF GRADE OF FLOORS TO CROWN OF STREET

The top surface of all floors of residential buildings shall be not less than 18 inches, and of nonresidential buildings shall be not less than six inches, above the highest point of the crown of all streets adjacent to the lot upon which the buildings are located.

### 155.6115 RESIDENTIAL USE IN NON-RESIDENTIAL DISTRICTS

- (A) The following regulations shall apply where a lot in a non-residential district is utilized for a permitted residential use:
1. The use and the lot shall conform to the district regulations for lot size, lot coverage, front setback, side setbacks, rear setback, and lot area per room specified for that particular residential district in which the residential use would first be permitted from a height limit standpoint, except as modified by divisions 2 and 3 of this section.
  2. Where a residential use is located on the first ground floor and there is also a principal non-residential use on the first or ground floor, the lot shall be provided with a rear setback and with side setbacks extending to the rear setbacks, for the portion of the lot occupied by the residential use.
  3. Where the residential use is located above a principal non-residential use, the lot shall be provided with a rear setbacks and with side setbacks on each side, provided that the setbacks may begin at the level of the lowest floor used for residential purposes, and a side setbacks shall not be required on a street side of the lot.

## 155.6116 SEWAGE DISPOSAL

- (A) Regardless of other provisions of this code, under all classifications and in all districts sewage collection and transmission systems shall be permitted, paid for and installed by the developer to discharge sewage, either by gravity or pumped, from the subject lot(s) to the City sewerage system. Lot plans accompanying building permit applications shall show clearly the proposed sewage disposal system. Such systems shall conform to the standards and requirements of the appropriate health officials. Onsite sewage disposal systems, septic tanks and drainfields are prohibited.

## 155.6117 WATERWAYS

### (A) Waterways

1. Location of waterways
  - (a) No portion of a waterway shall be created within a public road right-of-way or within reservations dedicated for roadway purposes.
  - (b) No waterway shall be located within 100 feet from an existing or future right-of-way line of a street, unless the waterway is designated to cross the street, and the waterway conforms to all of the provisions of this code.
  - (c) No waterway shall be created or maintained in such a location, or in such a connection with, or in such relation to, other existing waterways as to endanger through excessive salinity existing potable water resources, or to unreasonably change the existing limits of saline water penetration.
2. Permits

- (a) No waterway shall be created unless a permit has been first obtained from the City Engineer. The exception to this shall be waterways that serve less than 640 acres, used for the conveyance of irrigation to or drainage from agricultural lands to other waterways leading to major discharge points, and those waterways controlled by the applicable flood control district.
  - (b) No permit shall be issued by the City Engineer for a waterway unless the City Engineer finds the proposed waterway to be in conformity with all of the requirements of these regulations; and the application therefor has been approved by the Planning and Zoning Board as being in conformity with the zoning, and platting regulations, and any comprehensive plan.
  - (c) Permits shall not be required for waterways created in an area covered by, and in conformity with, a recorded subdivision plat.
3. Application for permits
- (a) Application for such permission shall be made to the City Engineer, by letter, stating the reason for alteration or construction of the waterway. This letter shall be accompanied by four sets of plans prepared by a surveyor or engineer, registered as such by the state, showing the location, proposed cross- sections, structures in or across the waterway, and other details as may be required by the City Engineer.
  - (b) If the requested waterway is to serve as a drainage system for a subdivision, the design calculation used in arriving at the waterway cross- section area and structures therein, showing degree of protection from flooding of the subdivision, estimated water surfaces, and other pertinent data used in the design of the waterway, shall be submitted. This shall be done by an engineer duly registered as such by the state.
  - (c) All information requested shall be referenced, all elevations shall refer to U.S. Coast and Geodetic Survey, mean sea level datum. All points or cross-sections of interest shall be stationed from a known reference point.
  - (d) Inspection. The City Engineer shall inspect waterways and all structures in or across any waterway during their construction period. As-built drawings shall be submitted to the City Engineer upon completion of all work in or across the waterway with as-built cross-connections of the waterway every 100 feet, or as often as may be necessary to determine the change in cross-section area.

## SUSTAINABILITY

### 155.6120 PURPOSE AND INTENT – SUSTAINABILITY

The purpose of the sustainability code is to establish a program and administrative procedures which minimize environmental impacts of development; reduces the use of natural resources; creates a healthier and more sustainable living environment; promotes economic and environmental health through sustainable and environmental friendly design parameters; while providing leadership to both the private and public sectors in the area of green building practices.

## 155.6121 APPLICABILITY – SUSTAINABILITY

(A) The requirements of this section shall apply to the following types of development:

1. All new and redevelopment applications for residential, commercial, office, industrial, hotels, and civic uses which require site plan approval 155.301(A).
2. For any City-owned civic or office construction project, the City is expected to incorporate the requirements of this LDC unless the City Commission, in its sole discretion, determines that the cost (e.g., time, function, or funding) associated with the requirements significantly outweighs the benefits to the City, provided the project remains in compliance with Florida Statute 255.2575 Energy-efficient and sustainable buildings.

## 155.6122 SITE PLAN SUBMITTAL REQUIREMENTS – SUSTAINABILITY

(A) At the time of site plan application submittal to the Planning and Economic Development Department, the applicant must submit:

1. A narrative which lists green building techniques and practices which may include but are not limited to the sustainable options outlined in 155.6123. The aim of the narrative is to demonstrate how the developer will address specific local objectives related to: Environmental Design, Energy Efficiency, and Conservation of resources, Infrastructure, Transportation and Waste Management which are found within the City's Green Plan. The materials and practices listed should exceed current building code requirements.
2. If the applicant is pursuing a certification through a recognized third-party green building certification program (USGBC, FGBC, NGBS, etc.), the points table specific to that program, the designated level of certification, and proof of application into the green building program must be submitted.

## 155.6123 SUSTAINABLE OPTIONS

(A) The provisions contained herein are intended to provide options for the installation of environmental design on buildings and structures within the City. If constructed or implemented, the provisions set forth in this LDC shall be met.

(B) Sustainability Options Table

This table shall determine the sustainability elements encouraged for site plan approval in accordance with the requirements set forth in 155.6122. In addition to the options listed, city staff may consider other sustainable elements which are not listed.

Table 155.6123 Sustainable Options and Requirements		
Category	Element	Section

Environmental Design	Cool Pavement	
	Green Roofs	155.662(E)
	Green Walls	155.662(D)
	Multi-Use Path or Trail	
	White Roof	
'Energy Efficiency	Daylight Controls	
	Energy Star Rated Appliances	
	Higher SEER AC than required by FBC	
	Low Flow Fixtures and Toilets	
	Photovoltaic Solar System	
	Tankless Hot Water Heater	
Conservation of Resources	Electric Vehicle Charging Stations	155.614
	Fuel Efficient Parking Spaces	
	Landscape Irrigation Rain Sensor	
	Use of Native Plant Material	
Infrastructure	Enhanced Hurricane Resistant Structure	
	Freeboard	
	Green Infrastructure or Low Impact Development	
	SITES, USGBC, FGBC, NGBS or other building certification	
	Use of Reclaimed or Recycled Building Materials	
Transportation	Bike Storage or Parking	155.607
	Transit Stop Improvements	
Waste Management	Diversion of Waste from Landfill	
	Recycling	155.623