

ORDINANCE NO. 2017-008

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF COCONUT CREEK, FLORIDA, AMENDING THE CITY'S CODE OF ORDINANCES, BY AMENDING CHAPTER 13, "LAND DEVELOPMENT CODE," BY AMENDING ARTICLE I, "ADMINISTRATION, REGULATIONS AND PROCEDURES," DIVISION 2, "ADMINISTRATION," SECTION 13-16, "PLANNING AND ZONING BOARD;" DIVISION 3, "IMPLEMENTATION PROCEDURES," SECTIONS 13-30, "AMENDMENTS TO THE COMPREHENSIVE PLAN," 13-31, "LAND USE PLAN MAP AMENDMENTS," 13-32, "AMENDMENTS TO LAND DEVELOPMENT REGULATIONS," 13-33, "VARIANCES," 13-34, "APPEALS," 13-36, "SPECIAL LAND USE," SECTION 13-36.1, "VACATION AND ABANDONMENT OF STREETS AND EASEMENTS" BY RENAMING IT "PROCEDURES FOR ACCEPTANCE OR CONVEYANCE/VACATION/ABANDONMENT OF STREETS, ALLEYWAYS, ROADS, OR PUBLIC RIGHTS-OF-WAY," ENACTING A NEW SECTION 13-36.2, "PROCEDURES FOR ACCEPTANCE OR CONVEYANCE/VACATION/ABANDONMENT OF SPECIFIC PURPOSE EASEMENTS;" AMENDING SECTION 13-37, "AESTHETIC DESIGN;" AMENDING DIVISION 4, "FEE SCHEDULES," SECTION 13-81, "DEVELOPMENT APPLICATION FEES;" DIVISION 5, "IMPACT FEES," SECTION 13-120, "DEFINITIONS;" ARTICLE II, "SUBDIVISION REGULATIONS," DIVISION 1, "GENERALLY," SECTION 13-138, "GENERAL PROVISIONS;" DIVISION 2, "SUBDIVISION PLAT REQUIREMENTS," SECTIONS 13-162, "REVIEW PROCEDURES," 13-164, "PRELIMINARY PLATS," SECTION 13-164.1, "PLAT IMPROVEMENTS ENGINEERING PLAN;" DIVISION 5, "SUBDIVISION DESIGN STANDARDS," SECTION 13-267, "PUBLIC SITES AND OPEN SPACES;" ARTICLE III, "ZONING REGULATIONS," DIVISION 2, "ZONING CLARIFICATIONS AND GENERAL REQUIREMENTS," SECTION 13-313, "INTERPRETATION OF ZONING BOUNDARIES;" DIVISION 3, "ZONING DISTRICT REGULATIONS AND TABLES," SECTIONS 13-331, "GENERAL PROVISIONS," 13-348, "PLANNED UNIT DEVELOPMENT DISTRICT,"

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AND 13-358, “SAME – ISSUANCE OF BUILDING PERMITS FOR PCD;” DIVISION 4, “ACCESSORY USES AND STRUCTURES,” SUBDIVISION II, “PARKING REGULATIONS AND REQUIREMENTS,” SECTION 13-404, “REDUCTION OF THE NUMBER OF DEVELOPED PARKING SPACES AND PROVISIONS OF RESERVE AREA FOR FUTURE PARKING;” SUBDIVISION IV, “LANDSCAPE STANDARDS AND REQUIREMENTS,” SECTION 13-443, “MINIMUM LANDSCAPE REQUIREMENTS FOR ZONING DISTRICTS;” SUBDIVISION V, “REGULATIONS FOR THE USE AND CONTROL OF SIGNS,” SUBDIVISION 5.9, “PROCEDURES AND ADMINISTRATION,” SECTION 13-473, “DEVIATIONS;” DIVISION 5, “SITE PLAN REVIEW REQUIREMENTS,” SECTIONS 13-546, “APPROVAL REQUIRED,” 13-547, “REVIEW PROCEDURES,” 13-548, “REQUIRED FORM AND INFORMATION ON SITE PLAN,” AND 13-549, “MODIFICATIONS TO APPROVED SITE PLAN” IN ORDER TO PROVIDE FOR UPDATED TERMINOLOGY AND PROCEDURES FOR REVIEW AND PROCESSING OF DEVELOPMENT APPLICATIONS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Commission of the City of Coconut Creek gave direction to City staff at its September 24, 2015 Workshop, to address Code-required notification procedures for transparency and consistency. Specifically, that all zoning, special land use, and vacation and abandonment applications, as well as land use map amendments, should be publicly noticed by a 4’ x 4’ sign and that all owners within 500 feet should be advised of the proposed changes; and

WHEREAS, the City Commission gave further direction at its July 26, 2017, Workshop that the process for all development applications should be changed to give the City Commission final approval for all development components that the Planning and Zoning Board had final authority over as of that date; and

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WHEREAS, City staff has searched through the City's Code of Ordinances and found many Sections in the Code, including the Land Development Code contained in Chapter 13 of the City's Code of Ordinances, that required updating in order to effectuate these changes; and

WHEREAS, City staff has also updated any obsolete terminology or procedures provided therein, including procedures for transferring certain types of interest in land: 1) fee simple public rights-of-way; and 2) non-fee simple specific purpose easements; and

WHEREAS, the City has authority, pursuant to Article VIII, Section 2 of the Florida Constitution, which provides that municipalities shall have governmental, corporate, and proprietary powers to enable municipalities to conduct municipal government, perform municipal functions and render municipal services; and

WHEREAS, the City Commission believes that having consistent notice requirements, terminology, and procedures for processing development applications will streamline the process of submitting and reviewing development applications and make it easier for applicants, residents, and City staff to follow and understand same; and

WHEREAS, the Planning and Zoning Board reviewed the changes to the notice requirements for development applications on February 8, 2017, and they voted to approve same; and

WHEREAS, the Planning and Zoning Board reviewed the changes to the City's Code of Ordinances providing that all development application components that were previously submitted to the Planning and Zoning Board for final approval be submitted to the City Commission for final approval on October 11, 2017, and they voted to approve same.

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NOW THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF COCONUT CREEK, FLORIDA AS FOLLOWS:

Section 1: Ratification. That the foregoing "WHEREAS" clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this Ordinance.

Section 2: That the City's Code of Ordinances shall be amended by amending Chapter 13, "Land Development Code," by amending Article I, "Administration, Regulations and Procedures," Division 2, "Administration," Section 13-16, "Planning and Zoning Board;" Division 3, "Implementation Procedures," Sections 13-30, "Amendments to the Comprehensive Plan," 13-31, "Land Use Plan Map Amendments," 13-32, "Amendments to Land Development Regulations;" 13-33, "Variances;" 13-34, "Appeals," 13-36, "Special Land Use;" 13-36, Section 13-36.1, "Vacation And Abandonment of Streets and Easements" by renaming it "Procedures For Acceptance or Conveyance/Vacation/Abandonment of Streets, Alleyways, Roads, or Public Rights-of-Way," enacting a new Section 13-36.2, "Procedures For Acceptance or Conveyance/Vacation/Abandonment of Specific Purpose Easements;" amending Section 13-37, "Aesthetic Design;" amending Division 4, "Fee Schedules," Section 13-81, "Development Application Fees;" Division 5, "Impact Fees," Section 13-120, "Definitions;" Article II, "Subdivision Regulations," Division 1, "Generally," Section 13-138, "General Provisions;" Division 2, "Subdivision Plat Requirements," Sections 13-162, "Review Procedures," 13-164, "Preliminary Plats," Section 13-164.1, "Plat Improvements Engineering Plan;" Division 5, "Subdivision Design Standards," Section 13-267, "Public Sites and Open Spaces;" Article III, "Zoning Regulations," Division 2, "Zoning Clarifications and General Requirements," Section 13-313, "Interpretation Of Zoning Boundaries;" Division 3, "Zoning District Regulations And Tables," Sections 13-331, "General Provisions," 13-348, "Planned Unit Development District," and 13-358, "Same – Issuance of Building Permits For PCD;" Division 4, "Accessory Uses and Structures," Subdivision II, "Parking Regulations and Requirements," Section 13-404, "Reduction of the Number of Developed Parking Spaces and Provisions of Reserve Area for Future Parking;" Subdivision IV, "Landscape Standards and Requirements, Section 13-443, "Minimum Landscape Requirements For Zoning Districts;" Subdivision V, "Regulations for the Use and Control of Signs," Subdivision 5.9, "Procedures and Administration," Section 13-473, "Deviations;" Division 5, "Site Plan Review Requirements," Sections 13-546, "Approval Required," 13-547, "Review Procedures," 13-548, "Required Form and Information on Site Plan," and 13-549, "Modifications To Approved Site Plan" to read as follows:

Chapter 13 - LAND DEVELOPMENT CODE

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ARTICLE I. - ADMINISTRATION, REGULATIONS AND PROCEDURES

DIVISION 2. – ADMINISTRATION

Sec. 13-16. - Planning and ~~z~~Zoning ~~b~~Board.

(a) *Responsibilities.* The ~~p~~Planning and ~~z~~Zoning ~~b~~Board shall be responsible for the ~~e~~City's comprehensive planning ~~program~~, and as required by Section 163.3174, Fla. Stat., shall be designated as the City's local planning agency. The ~~p~~Planning and ~~z~~Zoning ~~b~~Board shall ~~act advise~~ on all matters pertaining to land planning and plan implementation. The ~~b~~Board shall have the power to conduct investigations, hold public hearings, take testimony, review documentary evidence, issue orders, and make recommendations to the eCity eCommission on all activities relating to land planning and plan implementation. Specifically the bBoard shall:

- (1) Prepare and monitor the comprehensive plan or plan amendment and shall make recommendations to the City Commission regarding the adoption or amendment of such plan;
- (2) ~~Review amendments to the comprehensive plan;~~ Monitor and oversee the effectiveness and status of the comprehensive plan and recommend to the City Commission such changes in the comprehensive plan as may from time to time be required, including the periodic evaluation and appraisal of the comprehensive plan required by Section 163.3191, Fla. Stat.
- (3) Review and Eevaluate proposed land development regulations, the land development and codes, or amendments thereto, and make recommendations to the City Commission as to the consistency of the proposal with the adopted comprehensive plan, or element or portion thereof;
- (4) Review and update provide recommendations related to the zoning ordinances;
- (5) Evaluate rezoning requests and proposed zoning map changes and make recommendations to the City Commission;
- (6) Review proposed subdivision plats and make recommendations to the City Commission;
- (7) Review, approve or deny and provide recommendations related to all proposed site plans;

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- (8) ~~Hear and decide appeals by parties pursuant to Section 13-34, "Appeals"; where it is alleged that there is error in any reviewable interpretation, application or determination made by an administrative official in the enforcement of the Land Development Code and to modify or reverse such ruling upon finding the administrative official's interpretation of facts or interpretation of law clearly erroneous or to affirm the administrative official's interpretation which is supported by the facts of law.~~
- (9) ~~Review~~Hear and decide upon applications for such variances from the Land Development Code as are authorized under the Land Development Code and make recommendations to the City Commission; to grant such variances with conditions and safeguards as are appropriate under the Land Development Code.
- (10) Perform any other functions, duties or responsibilities as assigned by the eCity eCommission.
- (b) *Composition.* The pPlanning and zZoning bBoard shall consist of five (5) members and one (1) alternate.
- (c) *Appointment and organization.* Each member of the eCity eCommission shall nominate one (1) person to fill each position on the pPlanning and zZoning bBoard. A majority of the eCity eCommission shall approve the nominations as a panel. Each term shall be as fixed by ordinance of the eCity. One (1) alternate member of the bBoard shall be selected by the mMayor and approved by a majority of the eCity eCommission. The term of office of the alternate member shall be as fixed by ordinance of the eCity. Any vacancies on the pPlanning and zZoning bBoard shall be filled by a person nominated by the eCity eCommission member who nominated the vacating member. Such nomination shall be approved by a majority of the eCity eCommission. The term of a member filling a vacancy shall coincide with the remainder of the term of the member vacating. Each member of the pPlanning and zZoning bBoard shall be a resident of the eCity and a qualified voter. Members of the pPlanning and zZoning bBoard shall serve without compensation.
- (d) *Board officers.* The chairperson and vice-chairperson shall be elected from the Bboard membership. The chairperson and vice-chairperson shall serve one-year terms.
- (e) *Rules of procedure.* The pPlanning and zZoning bBoard shall utilize *Robert's Rules of Order* to govern conduct of meetings. Attendance of three (3) members of the bBoard at any duly authorized meeting shall constitute a quorum. An affirmative vote of three (3) members shall be necessary to adopt any motion considered by the bBoard.
- (f) *Meetings.* The pPlanning and zZoning bBoard shall hold at least one (1) regular meeting per month and additional special meetings as necessary. Public notice of

each regular meeting shall be displayed at eCity hHall or advertised as prescribed by law.

DIVISION 3. – IMPLEMENTATION PROCEDURES

Sec. 13-30. - Amendments to the comprehensive plan.

Amendments to the comprehensive plan, or elements or portions thereof, shall conform to the requirements of F.S. Ch. 163, Fla. Stat.

Sec. 13-31. - Land use plan map amendments.

Proposed amendments to the land use plan map shall conform to the requirements of F.S. Ch. 163, Fla. Stat., General submittal procedures for proposed land use plan map amendments are as follows:

- (a) ~~(1)~~ The applicant is required to submit an amendment application to the ~~d~~Director of ~~community development~~Sustainable Development.
- (b) ~~(2)~~ The application shall include a legal description of the proposed amendment signed and sealed by the a registered land surveyor ~~o~~in the ~~s~~State of Florida.
- (c) ~~(3)~~ The applicant shall pay all required fees as specified in Division 4 of this article.
- (d) ~~(4)~~ Amendments shall be processed within an appropriate time frame pursuant to Broward eCounty and the sState —of Florida Department of Economic Opportunity~~department of community affairs guidelines~~.
- (e) Additional application requirements for land use plan map amendments:
 - 1. Applicants shall post a four-foot by four-foot (4' x 4') sign on the property proposed for amendment fourteen (14) days prior to the public hearing and facing all road frontages and setback five (5) feet from the property line. A dated photograph of all signs shall be submitted to the Sustainable Development Department by the applicant the day the sign is posted.
 - 2. The applicant shall obtain a list with addresses of all property owners within five hundred (500) feet of the boundary lines of the property under consideration. The list shall be certified by the County Property Appraiser, an abstract or title company, or an attorney.
 - 3. The applicant shall follow all required guidelines as set forth in the application.

Sec. 13-32. - Amendments to land development regulations.

Amendments to land development regulations or elements or portions thereof shall conform to the requirements of F.S. Ch. 163, Fla. Stat. The ~~p~~Planning and zZoning

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~~b~~Board shall review proposed land development regulations, land development codes, or amendments thereto, and make recommendations to the ~~e~~City ~~e~~Commission as to the consistency of the proposal with the adopted comprehensive plan.

Sec. 13-33. - Variances.

- (a) *Definition.* A variance is a modification of requirements of this chapter to allow for unusual conditions relating to property or structures where special conditions exist or when literal enforcement of the provisions of this chapter will result in unnecessary or undue hardship. The conditions shall not be self-imposed or a financial hardship. Variance requests shall be considered by the ~~p~~Planning and ~~z~~Zoning ~~b~~Board and all with the final decisions shall be made by the City Commission as provided in this section. Variances to use are prohibited.
- (b) *Filing application.* Variance requests shall be ~~filed by written application submitted to the Sustainable Development Department~~the director of development services. The application shall be accompanied by a legal description of the subject property with a current signed and sealed land survey prepared by a registered land surveyor. The application shall also include a detailed description and justification of the proposed variance stating how the criteria for a variance have been met and shall be accompanied by the processing fee. The person filing the application must be the property owner or an authorized agent of the owner. If the applicant is other than the owner of record, a power of attorney from the owner of record to the applicant shall accompany the application affirming that the owner has granted full authority to the applicant to apply for the relief requested in the application. If the applicant is an attorney who is a member of the Florida Bar who is acting on behalf of the owner of record, no power of attorney shall be required, but the application shall be signed by the attorney who shall indicate his or her representative capacity.
- (c) *Additional application requirements.* The applicant shall ~~be required to obtain a list with addresses of all property owners within five hundred (500) feet of the boundary lines of the property under consideration. Two sets of mailing labels must be provided for all adjacent property owners.~~ The list shall be certified by the ~~e~~County ~~p~~Property ~~a~~Appraiser, an abstract and or title company, or an attorney.
- (d) *Standards for granting.* To authorize any variance from the terms of this chapter, the ~~p~~Planning and ~~z~~Zoning ~~b~~Board must ~~find that~~formulate a recommendation to the City Commission that is to approve, approve with conditions, or deny the application based on the following considerations:
- (1) Special conditions and circumstances exist which are peculiar to land, structures or buildings involved and which are not applicable to other lands, structures or buildings in the same zoning district.
 - (2) The special conditions and circumstances do not result from actions of the applicant.

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- (3) Granting a variance will not confer special privilege that is denied by this chapter to other lands, buildings or structures in the same zoning district.
- (4) Literal interpretation of the regulations of this chapter will deprive the applicant of rights shared by other property owners holding property in the same zoning district under the terms of this chapter and cause unnecessary and undue hardship on the applicant.
- (5) The variance granted is the minimum variance that will make possible the reasonable use of land, buildings or structures.
- (6) Approval of a variance will be harmonious with the general intent and purpose of this chapter and that such variance will not degrade the area involved or be detrimental to public welfare.
- ~~(7) The planning and zoning board may prescribe conditions and safeguards with the approval of a variance. Violation of such conditions and safeguards shall be deemed a violation of this chapter. The planning and zoning board may establish a time during which a variance may begin and shall be completed.~~
- ~~(8) The planning and zoning board shall not approve a variance which permits a use not permitted in the zoning district involved.~~

(e) *Processing application.*

- (1) Applications for a variance shall be scheduled for consideration by the ~~p~~Planning and ~~z~~Zoning ~~b~~Board.
- (2) Public notice for the hearing shall be posted at the ~~e~~City ~~h~~Hall.
- (3) The applicant shall present the variance proposal at a public hearing before the ~~p~~Planning and ~~z~~Zoning ~~b~~Board.
- (4) The ~~p~~Planning and ~~z~~Zoning ~~b~~Board shall ~~consider~~determine if the variance in light of~~complies with~~ the standards set out in subsection 13-33(d), above.
- (5) The ~~b~~Board ~~shall~~may recommend approve approval or denial of the application only by an affirmative majority vote. The City Commission shall then consider the variance application and can approve, approve with conditions, or deny the application.
- (6) After decision of the ~~board~~City Commission, the ~~city clerk~~Sustainable Development Department shall send written notification of the decision to the applicant. The decision shall become part of the public record.
- (7) The decision of the ~~planning and zoning board~~City Commission is final and may only be appealed to Circuit Court~~may be appealed to the City commission pursuant to the procedures set forth in s~~Section 13-34, "Appeals."

- (f) *Variance time limitations.* Unless additional time is granted at the time of approval-, any variance authorized by the ~~e~~City ~~Commission~~Commission which relates to a structure or use

improvement requiring a permit, shall expire one hundred eighty (180) days after the date of the effective date of the variance if no permit, certificate of use or other required license has been issued based upon and incorporating the variances, and if all conditions and limitations of the variance have not been satisfied.

- (1) Whenever the eCity has taken action to reject a variance, no request for the same variance on any part of the same property for a period of twelve (12) months from the date of such action shall be considered by the eCity.
- (2) The one hundred eighty (180) days shall begin running the day after the effective date of the variance and shall be tolled during the pendency of any appeal to the eCity eCommission, eCircuit eCourt or upon the filing of a request for relief pursuant to the dispute resolution provisions of F.S.ch.Chapter 70, Fla. Stat. as amended from time to time.
- (3) A six ~~(6)~~-month extension of the variance approval may be granted by the ~~development services e~~Director of Sustainable Development when all applicable regulations in effect at the time of original variance approval remain unchanged. An extension shall only be granted when an applicant has applied for an extension during the original effective period of the variance and a determination that the project is proceeding with due diligence has been made by the ~~development services e~~Director of Sustainable Development. Only one (1) extension shall be permitted.

Sec. 13-34. - Appeals.

An appeal is a process for review and modification of any action, which, if not appealed, would be final. An appeal shall be conducted as a new evidentiary hearing via de novo review in accordance with the city's quasi-judicial procedures and shall not be limited to the record created below.

- (1) *Rule:* An appeal may be made of an administrative interpretation; or of any finding made by an approving body; or, of a decision made by an approving body. The appeal of an administrative official's interpretation or application of the land development code shall first be presented to the ~~p~~Planning and z~~Z~~oning b~~B~~oard and may subsequently be appealed to the eCity eCommission; an appeal of the ~~p~~Planning and z~~Z~~oning b~~B~~oard's action or decision on a development application shall be made to the eCity eCommission. All such actions or decisions are appealable unless an appeal is expressly prohibited. An appeal may be made by an aggrieved party. For purposes of this section, an aggrieved party is defined as any owner or tenant of land situated within five hundred (500) feet of land subject to the proposed action under the city's land development code that has been or will be adversely affected by the decision under the eCity's ~~l~~Land e~~D~~evelopment e~~C~~ode; or any person who can show that

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they have a substantial interest in property that has been or will be adversely affected by a decision on the proposed action.

(2) Required information: An appeal by an aggrieved party must be made in writing, directed to the eCity eClerk, and must provide the following information including the appropriate processing fee as specified in Section 13-81:

1. Identification of the action which is being appealed;
2. Identification of who or what board took the action and the date it was made;
3. The basis of the appeal;
4. The relief being sought; and,
5. The name of the aggrieved party, the aggrieved party's substantial interest in the matter and how the decision has adversely affected the aggrieved party.

(3) *Procedure*: The following procedures shall be adhered to in the processing of any appeal:

- (a) The eCity cClerk. or designee must receive the letter of appeal with the required information set forth above from the aggrieved party within ten (10) working days of the date of the action being appealed.
- (b) Upon receipt of a timely filed and sufficient letter of appeal, the eCity-eClerk or designee shall place the appeal on the agenda for consideration of the appeal at the next regular meeting of the body who is to act upon it, provided that the appeal was received in time for proper placement on that agenda. In any event, a properly filed letter of appeal shall be scheduled for hearing no later than ninety (90) working days from the date it was received by the eCity eClerk.
- (c) The cityDirector of Sustainable Development shall ensure compliance with any necessary public notification procedures required under the original action or application. Costs for such public notification will be assessed to the aggrieved party in the same manner as the applicant under the original action or application.
- (d) The aggrieved party shall present the appeal at the public hearing for which the appeal hearing is scheduled. The appellee may present reasons or documentation in support of the initial decision.
- (e) The reviewing body must consider the appeal at which time the appeal may be granted, denied, or set for further consideration upon a majority vote.

(4) *Conditions*:

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- (a) The granting of an appeal pertaining to an administrative official's interpretation or application of the eCity's ~~I~~Land ~~d~~Development eCode is not subject to conditions.
 - (b) The granting of an appeal pertaining to a decision on a development application may be conditioned in the same manner as the development application may have originally been conditioned.
- (5) *Findings:*
- (a) The granting of an appeal pertaining to an administrative official's interpretation or application of the eCity's ~~I~~Land ~~d~~Development eCode requires only a finding that the administrative officer was incorrect in the application of the regulation.
 - (b) The granting of an appeal pertaining to a decision on a development application must consider those items upon which a finding is required and the reviewing body must make findings on those items.
- (6) *Stay of previous action:*
- (a) *General:* Whenever an appeal is pending, the action being appealed shall be stayed, i.e. the development application or appealed part thereof shall be considered neither approved nor denied.
 - (b) *Proceeding at risk:* If an appeal is initiated for an action that is precedent for another action (e.g. site plan approval preceding plat approval), the applicant may proceed with the submittal and processing of further development applications but only at his or her own risk.
- (7) *Decision:* A reviewing body, sitting in its appellate capacity, hearing an appeal shall file its written findings and decision with the eCity eClerk or designee within thirty (30) days of the appellate hearing. An appeal from a decision made by a reviewing body of last resort shall be handled exclusively by judicial review in the Seventeenth Judicial Circuit Court, in and for Broward County, Florida, and shall be filed within thirty (30) days from the date of the filing of the final reviewing body's written order with the eCity eClerk or designee.

Sec. 13-35. - Special land use.

- (a) *Definition.* A special land use shall be defined as a use which would not be appropriate throughout the particular zoning district or classification; however, it may be permitted if limited as to number, area, location or relation to a neighborhood, and would not adversely affect the public health, safety, comfort, appearance, morals and general welfare. Such uses may be permitted in zoning districts or classifications as special land uses only if specific provisions and standards are made in Article III of

this chapter. Three (3) main characteristics distinguish special land uses from uses permitted by right:

- (1) Special land uses may be restricted as to number, area or location within an individual district in which they are located.
 - (2) Special land uses may be subject to more stringent development standards than uses that are permitted by right.
 - (3) Special land uses may be subject to restricted hours of operation and other aspects pertaining to a specific use.
- (b) *Filing application.* Special land use requests shall be filed ~~by written applications submitted to the Sustainable Development Department~~ director of community development. The application shall be accompanied by a legal description of the subject property with a signed and sealed land survey prepared by a registered land surveyor in the State of Florida. The application shall also include a detailed description and justification of the proposed use and be accompanied by the processing fee. The person who files the application must be the property owner or authorized agent of the owner, ~~or a member of the planning and zoning board or the city commission.~~
- (c) *Additional application requirements.* The applicants shall be required to obtain a list with addresses of all property owners within five hundred (500) feet ~~three hundred (300) feet~~ of the boundary lines of the property under consideration. The list shall be certified by the eCounty pProperty aAppraiser, an abstract or and title company, or an attorney. The applicant shall follow all required guidelines as set forth in the application
- (d) *Processing application.*
- (1) Applications for a special land use shall be scheduled for consideration by the pPlanning and zZoning bBoard.
 - (2) Public notice for the hearing shall be posted at ~~the eCity hHall~~.
 - (3) The applicant shall present the special land use proposal at a public hearing before the pPlanning and zZoning bBoard.
 - (4) The pPlanning and zZoning bBoard shall ~~determine~~evaluate if the special land use proposal complies with standards in this section.
 - (5) Following the pPlanning and zZoning bBoard's action on the application, the application shall be forwarded to the eCity eCommission. The eCity eCommission shall consider the application and approve, approve with appropriate conditions, or deny the application. The bBoard and eCity eCommission shall approve applications only by a majority affirmative vote.

- (6) Following a decision of the ~~board~~City Commission, the ~~eCity eClerk~~ shall send written notification of the decision to the applicant. The decision shall become ~~part of public records~~final.
- (7) *Expiration or extension of special land use approval.* A special land use approval shall expire eighteen (18) months following the date of approval unless a building permit for a principal building as required by the applicable Florida Building Code has been issued to the applicant and kept in force. ~~One~~A twelve-month ~~(12)~~ extension of the special land use approval may be granted by the ~~development services director~~Director of Sustainable Development when all applicable planning, building, zoning, and engineering regulations in effect at the time of original special land use approval remain unchanged. An extension of the special land use approval shall only be granted when an applicant has applied for an extension during the original effective period of the special land use and a determination that the project development is proceeding with due diligence has been made ~~by the development services director~~. ~~Only one (1) extension shall be permitted.~~
- (8) *Effective approved special land use approvals.* A special land use approval issued prior to the effective date of this section shall be effective for a period of one ~~(1)~~ year from October 1, 2001. If a site plan approval for the project is not issued within the one (1) year effective period, the special land use approval shall lapse and no longer be effective.
- (9) *Effect of special land use.* A special land use issued pursuant to the requirements of this ~~a~~Article, grants to the applicant, its successors and assigns, the right to develop and/or utilize the premises in accordance with the terms and conditions contained in the special land use.
- (10) *Violation of conditions.* Any failure to adhere to the terms and conditions of the approval shall be considered violations of this Code and may result in the revocation of the special land use approval. ~~This includes any change in use without city approval.~~
- (e) *Interpretation of standards.* Uses identified in Article III of this chapter as special land uses shall be considered adverse to public interest except on specific sites when the ~~p~~Planning and ~~z~~Zoning ~~b~~Board and ~~e~~City eCommission find that all ordinance standards for approval of such uses will be met.
- (f) *General standards.* Prior to approving any special land use application, the ~~p~~Planning and ~~z~~Zoning ~~b~~Board and ~~e~~City eCommission shall find based on competent and substantial evidence that:
- (1) The proposed special land use will be in harmony with nearby uses permitted under Article III of this chapter;
 - (2) The proposed special land use will be in harmony with nearby existing uses;

- (3) The proposed special land use must be reasonably compatible with surrounding and adjacent uses in its function, its hours of operation, the type and amount of traffic to be generated, the building size and setbacks, and its relationships to the land values;
 - (4) The proposed special land use will be in the best interests of the ~~e~~City, the convenience of the community, the public welfare, and be a substantial improvement to the property in the immediate vicinity;
 - (5) The proposed special land use will contribute to the economic stability of the community;
 - (6) The proposed special land use will not decrease public benefit or increase undesirable impacts other than those resulting from use of the site as permitted by right under Article III of this chapter or some other special land use permitted on the site;
 - (7) The proposed special land use will not result in more intensive development than what is approved by the land use element of the comprehensive plan.
 - (8) The proposed special land use will be consistent with goals, objectives, and policies of the comprehensive plan.
- (g) *Specific standards for all uses.* Prior to approving any special land use application, the ~~p~~Planning and ~~z~~Zoning ~~b~~Board and the ~~e~~City ~~e~~Commission will find based on competent substantial evidence:
- (1) The proposed use will not reduce the level of service provided on any street to a lower level than would result from a development permitted by right.
 - (2) The proposed use will not result in a significantly greater amount of through traffic on local streets than would result from a development permitted by right.
 - (3) The proposed use will not require extension or enlargement of the thoroughfare system at a higher net public cost than would result from a development permitted by right.
 - (4) The proposed use will not require enlargement or alteration of utility facilities, drainage systems, and other utility systems other than what would result from a development permitted by right.
 - (5) The proposed use will not demand greater municipal public safety services exceeding the demand resulting from a development permitted by right.
 - (6) If a special land use is combined with other special land uses or permitted uses on a site, the overall intensity and scale of uses on the site is appropriate given the adequacy of proposed buffers and setbacks and the land uses of surrounding properties.

(h) *Standards for nonresidential uses in residential districts.* Prior to approving any nonresidential special land use application in any residential area or prior to approving any more intensive residential special land use application in a less intensive residential area, the ~~p~~Planning and ~~z~~Zoning ~~b~~Board and the ~~e~~City ~~e~~Commission will find based on competent and substantial evidence:

- (1) The location of the proposed special land use will not be hazardous or inconvenient to the residential character of the area where it is to be located.
- (2) The size of the special land use application and the nature and intensity of the operations involved will not be hazardous or inconvenient to the residential character of the area or to long range development in accordance with the land use element of the comprehensive plan.
- (3) The location of the special land use will not result in isolating an existing or planned residential area from other residential development.
- (4) The design of buildings for commercial and office special land uses in residential districts shall be in a manner similar to residential structures in the same general area or neighborhood. Such a finding shall be based on consideration of building mask, height, materials, window arrangements, yards and other considerations.
- (5) The proposed use will have direct access to an arterial or collector street. Ingress and egress shall be designed to minimize traffic congestion on the public roadways.
- (6) Parking areas for special land uses shall be of adequate size for the particular use and shall be properly located and suitably screened from adjoining residential uses, and that ingress and egress shall be designed for maximum safety for vehicles and pedestrians and minimize traffic congestion in the residential district.

(i) *Standards for new freestanding wireless communications facilities.* Prior to approving a special land use application for a new freestanding wireless communications facility outside of a public right of way, the ~~p~~Planning and ~~z~~Zoning ~~b~~Board and the ~~e~~City ~~e~~Commission will find based on competent substantial evidence:

- (1) Land-use compatibility. New freestanding wireless communications facilities shall be located and buffered to ensure compatibility with surrounding land uses. To help ensure such compatibility, each application for a proposed wireless communications facility shall include all requirements for site plan approval as listed elsewhere in this Code, plus the following information:
 - a. All of the submittal requirements contained in the City of Coconut Creek ~~Department of Sustainable Development~~ Department (special land use—wireless communications facility application).
- (2) Buffering.

- a. An eight (8) foot opaque fence or decorative wall shall be constructed around the perimeter of a lease site or as noted on site plan to shield the base of a wireless communications facility, as measured from the finished grade of the site.
 - b. Landscaping, consistent with the requirements of this section, shall be installed around the entire perimeter of the fence or wall. Additional landscaping may be required around the perimeter of the fence or wall and around any or all anchors or supports if deemed necessary to buffer adjacent properties. The eCity eCommission may require landscaping in excess of the requirements of this section as is deemed to be reasonably necessary in order to enhance compatibility with adjacent residential and nonresidential land uses. Landscaping shall be installed on the outside of the perimeter wall.
 - c. Landscaping consistent with the requirement of this Code shall be installed around any accessory building or structures.
- (3) Any modification of an eligible wireless communications facility that does not substantially change the physical dimensions of the facility shall be subject to the eCity's administrative approval process. For purposes of determining qualification as an eligible wireless communications facility and what constitutes substantial change, the eCity shall utilize as guidance Section 6409 of the Middle Class Tax Relief and Job Creation Act of 2012, and the National Programmatic Agreement (47 C.F.R., Part 1, App. B) published by the Federal Communications Commission ("FCC") and the FCC's October 21, 2014 Report and Order (FCC 14-53) interpreting the foregoing.
- (i) Standards for new freestanding wireless communications facilities within a public right of way shall be as set forth in Section 13-541.1.

Sec. 13-36. - Zoning map amendments.

- (a) *Effect.* Zoning map amendments shall be approved in accordance with the regulations and procedures in this section. A zoning map amendment changes a district classification on land. Zoning map amendments, shall follow the procedures outlined in this section.
- (b) *Filing applications.* Zoning map amendments applications shall be ~~filed by~~ written submitted digitally application to the director of development services to the Sustainable Development Department. The application shall be accompanied by a legal description of the subject property with a signed and sealed land survey prepared by a registered land surveyor in the State of Florida. The application shall also include a detailed description and justification of the proposed use and be accompanied with the processing fee. The person who files the application must be the property owner or agent of the owner or the eCity eCommission that has instructed the eCity mManager to process a rezoning.

(c) ~~Additional application requirements for zoning map amendments. Applicants shall be required to prepare and post a four-foot by four-foot sign on the property proposed for amendment. The required format for the public hearing signage shall be included within the zoning map amendment application. The sign shall be installed fourteen (14) days prior to the public hearing and shall be posted on the property proposed for amendment facing all road frontages setback ten (10) feet from the property line. A dated photograph of all signs shall be submitted to the development services department by the applicant. The applicant shall also be required to obtain a list of all property owners within five hundred (500) feet of the boundary lines of the property under consideration. Two sets of gummed mailing labels must be provided for all adjacent property owners. The list shall be certified by the county property appraiser, an abstract or title company, or an attorney. Applicants shall post a four-foot by four-foot (4" x 4") sign on the property proposed for amendment fourteen (14) days prior to the public hearing. The sign shall be facing all road frontages and setback five (5) feet from the property line. A dated photograph of all signs shall be submitted to the Sustainable Development Department by the applicant the day the sign is posted. The applicant shall obtain a list with addresses of all property owners within five hundred (500) feet of the boundary lines of the property under consideration. The list shall be certified by the County Property Appraiser, an abstract or title company, or an attorney. The applicant shall follow all required guidelines as set forth in the application.~~

(d) *Hearing; action by pPlanning and zZoning bBoard and eCity eCommission.*

(1) Applications for a rezoning map amendment shall be scheduled for consideration by the pPlanning and zZoning bBoard.

(2) Public notice for the hearing shall be posted at the ~~government center~~ City Hall.

(3) The applicant shall present the rezoning map amendment proposal at a public hearing before the pPlanning and zZoning bBoard.

(4) Following the pPlanning and zZoning bBoard ~~action~~ recommendation on the application, the application shall be forwarded to the eCity eCommission. The eCity eCommission shall consider and approve or deny the application. Decisions by the bBoard and eCity eCommission shall be decided by a majority affirmative vote.

(5) Following the decision of the eCity eCommission, the eCity eClerk ~~or the development services department~~ shall send written notification of the decision to the applicant. The decision shall become ~~part of the public records~~ final.

(e) *Standards for decision.* Prior to approving any zoning map amendment, the pPlanning and zZoning bBoard and eCity eCommission shall find, based on competent and substantial evidence, that the proposed change:

(1) Is not contrary to the comprehensive plan;

- (2) Will not create an isolated zoning district which would be unrelated and incompatible with adjacent districts;
- (3) Will not substantially impact public facilities such as schools, utilities and streets;
- (4) Will be justified by external land use conditions;
- (5) Will not create or excessively increase automobile and vehicular traffic congestion;
- (6) Will not create a storm drainage problem for other properties;
- (7) Will not adversely affect surrounding living conditions;
- (8) Will not seriously affect environmental quality;
- (9) Will not adversely affect other property values;
- (10) Will not be a deterrent to improvement or development of other property;
- (11) Will not constitute a special privilege to an individual owner.

Sec. 13-36.1. - Vacation and Procedures for acceptance or conveyance/vacation/abandonment of streets, alleyways, roads, or public rights-of-way and easements.

- (a) *Purposes and methods.* ~~The purposes of this article are to establish a uniform procedure for the application to the city for the vacation and abandonment of city streets, alleys, special purpose easements and other nonfee interests of the city; to designate the departments of the city which shall be responsible for the processing of such application; and to provide the methods and procedures for processing the applications.~~ The purpose of this section is to establish uniform procedures for applications requesting that the City acquire or convey a street, alleyway, road, or public right-of-way; to designate the departments of the City which shall be responsible for processing such applications; and to provide the methods for acquiring or conveying the City's rights in real property that apply to fee simple interests identified as streets, alleyways, roads, or public rights-of-way.
- (b) *Exception for Applications for plat approval and abandonments.* ~~Applications for plat approval, pursuant to sSection 13-164, "Preliminary plats," of Chapter 13, the "Land Development Code," that create or vacate streets, alleyways, roads, or public rights-of-way are not subject to a concurrent application pursuant to this Section.~~ requests vacation and abandonment of city rights-of way, are subject to a concurrent application for abandonment pursuant to this section.
- (c) *Filing application* ~~Application—form.~~ Application—form. All requests for acceptance or conveyance/vacation/ and abandonment of eCity streets, alleyways, roads, or public rights-of-way, special purpose easements and other nonfee interests which the city may have in real property shall be submitted to the Department of Sustainable

Development. The application shall be accompanied by a legal description of the subject property with a signed and sealed land survey prepared by a registered land surveyor in the State of Florida. The application shall also include a detailed description and justification of the proposed conveyance/vacation/abandonment and be accompanied by an applicable fee plus the estimated costs for recording real property records in the Official Records Books of Broward County. (See Section 13-81, "Development application fees," for current fee.) The application for acceptance or conveyance/vacation/abandonment pursuant to this Section must be submitted by the owner of the affected property or agent. made in writing upon an application form which shall be furnished by the city.

(d) ~~Additional application requirements. Application fee.~~ If the application for abandonment pursuant to this article is submitted by a citizen, owner or lessee of adjoining or affected property, the application shall be accompanied by an applicable fee. (See section 13-81(4) for current fee.) Applicants shall post a four-foot by four-foot (4" x 4") sign on the property proposed for acquisition or conveyance fourteen (14) days prior to the public hearing. The sign shall be facing all road frontages and setback five (5) feet from the property line. A dated photograph of all signs shall be submitted to the Sustainable Development Department by the applicant the day the sign is posted. The applicant shall obtain a list with addresses of all property owners within five hundred (500) feet of the boundary lines of the property under consideration. The list shall be certified by the County Property Appraiser, an abstract or title company, or an attorney. The applicant shall follow all required guidelines as set forth in the application

(e) ~~Procedures for Processing applications for abandonment of right-of-way.~~

(1) Upon receipt of an application pursuant to this Section for abandonment of rights-of-way, together with fees therefore, the Department of Sustainable Development services department shall review same for completeness and for compliance with the requirements of this articleSection. If the application is incomplete, the Department of Sustainable Development will forward a notice of incompleteness to the applicant specifying the data missing from the application received and return the fee collected. Upon the application being properly submitted, it shall be accepted for filing with the Department of Sustainable Development services department, which shall give a receipt to the applicant for the fee paid. As soon as practicable, thereafter, the Department of Sustainable Development services department shall proceed as follows:

- a. Forward copies of the application and supporting materials to members of the DRC for their review and comment.
- b. Set a date for public hearing thereon to be held by the Planning and Zoning Board, and refer the matter to the Board by providing a summary of the original application at a scheduled meeting.

- ~~c. Notify by regular mail the owners of real property bounding and abutting the street, or alley, or portion thereof affected, and all the owners of property within three hundred (300) feet in all directions from the line of the street, or alley, or portion thereof affected. The owner of property shall be deemed to be the person shown on the current city tax assessment roll as being the owner and such notice shall be sent to the address given on such assessment roll for that person.~~
 - ~~d. Notify the general public by publishing notice in a newspaper of general circulation in the city of the public hearing to be held on the application by the planning and zoning board. The cost of such advertisement shall be paid by the applicant.~~
 - ~~e. Further nNotify the general public by posting a four foot by four foot sign upon the street, or alley, or portion thereof, affected, setting forth notice of the proposed abandonment and of the date of the public hearing to be held on the application by the planning and zoning bBoard. The required format for public hearing signage shall be included within the abandonment public of right of way. The sign shall be installed fourteen (14) days prior to the public hearing, and the sign shall be posted on the property proposed for amendment facing all road frontages setback ten (10) feet from the property line. A dated photograph of all signs shall be submitted to the development services department by the applicant.~~
- (2) The pPlanning and zZoning bBoard shall hold a public hearing and shall report its recommendations or status on the application for abandonment to the eCity eCommission.
- (3) The pPlanning and zZoning bBoard shall also consider the right and interest in the street, alleyway, road, or right-of-way subject to the application for abandonment from the standpoint of the benefit of the community as a whole, and shall make appropriate recommendations regarding any arrangement of streets, alleyways, roads and rights-of-way or establishment of cul-de-sacs which are involved therein in order to secure a more regular and harmonious system for pedestrian or traffic circulation. Such report shall include an approximate valuation submitted by the applicant, verified by the staff, and reported to the bBoard of any such street, alleyway, road, or right-of-way to be acquired or conveyed/vacated/abandoned and the extent to which the public interest and general welfare of the community shall be compensated by obtaining any obligations or making alternate right-of-way, or any monetary fee for additional rights-of-way, or by any combination thereof, in exchange for the City taking the requested action the abandonment applied for. Any monetary fee which forms a part of the compensation to the public interest for such action abandonment shall be expressly designated and any sums which shall be received by the eCity

~~pursuant to the provisions hereof shall be required to be deposited into the right-of-way acquisition City's streets fund which shall be established.~~

- (f) ~~(4) *Action by eCity eCommission.* The eCity eCommission shall consider aforesaid reports and recommendations on applications pursuant to this Section for abandonment, as hereinbefore provided for, within ~~ninety~~sixty (690) days after receipt of same, and shall, after public hearing and due consideration, either accept, modify or deny the ~~recommendation~~application in accordance with the best interests of the public welfare by ordinance setting forth the City Commission's decision. ~~If by the acceptance, modification or denial~~rejection of the recommendation, a change in the land use of the comprehensive plan (district map) is required, or if the aforesaid action of the eCity eCommission necessitates a change in the existing property interests or rights, an ordinance setting forth the change shall be introduced as soon as possible.~~
- (g) ~~(5) *Notice by eCity eClerk.* Upon eCity eCommission approval of the application, an ordinance setting forth such approval shall be certified by the eCity eClerk and forwarded to the applicant, for processing at the county, after which the vacation~~ The City Clerk shall be recorded the ordinance and the associated documents relating to the City's interest in real property in the public records of Broward County, Florida and forward a copy to the Department of Sustainable Development, by the applicant and a copy forwarded to the office of the city clerk. The monetary contribution as herein provided for, must be paid in full prior to the recordation of such ordinance.

Sec. 13-36.2. - Procedures for acceptance or conveyance/vacation/abandonment of specific purpose easements.

- (a) *Purposes and methods.* The purpose of this section is to establish uniform procedures for applications requesting that the City accept or vacate a specific purpose easement; to designate the departments of the City which shall be responsible for processing such applications; and to provide the methods for accepting or vacating the City's rights in real property that apply to all non-fee simple interests identified as specific purpose easements.
- (b) *Exception for Applications for Plat Approval.* Applications for plat approval, pursuant to Section 13-164, "Preliminary plats," of Chapter 13, "Land Development Code, that create or vacate specific purpose easements are not subject to a concurrent application pursuant to this Section.
- (c) *Application form.* All requests for acceptance or conveyance/vacation/abandonment of specific purpose easements shall be made in writing upon an application form that shall be furnished by the City.

(d) Application fee. The application for acceptance or conveyance/vacation/abandonment pursuant to this section must be submitted by the owner or agent of the affected property, and the application shall be accompanied by an applicable fee plus the estimated costs for recording real property records in the Official Records Books of Broward County. (See Section 13-81, "Development application fees," and Section 13-88, "Engineering," for current fee.)

(e) Procedures for applications for acceptance of a specific purpose easement.

(1) Upon receipt of an application for acceptance of a specific purpose easement, pursuant to this section, together with fees therefore, the designated City department, designated based on the nature of the specific purpose easement, shall review same for completeness and for compliance with the requirements of this section. If the application is incomplete, the designated City department will forward a notice of incompleteness to the applicant specifying the data missing from the application received and return the fee collected.

(f) Procedures for applications for conveyance/vacation/abandonment of a specific purpose easement.

(1) Upon receipt of an application for conveyance/vacation/abandonment of a specific purpose easement, together with fees therefore, the Department of Sustainable Development shall review same for completeness and for compliance with the requirements of this section. If the application is incomplete, the Department of Sustainable Development will forward a notice of incompleteness to the applicant specifying the data missing from the application received. As soon as practicable, thereafter, the Department of Sustainable Development shall proceed as follows:

- a. Forward copies of the application and supporting materials to members of the DRC for their review and comment.
- b. Set a date for public hearing thereon to be held by the Planning and Zoning Board, and refer the matter to the Board by providing a summary of the original application at a scheduled meeting.
- c. Applicants shall post a four-foot by four-foot (4" x 4") sign on the property proposed for acquisition or conveyance fourteen (14) days prior to the public hearing. The sign shall be facing all road frontages and setback five (5) feet from the property line. A dated photograph of all signs shall be submitted to the Sustainable Development Department by the applicant the day the sign is posted. The applicant shall obtain a list with addresses of all property owners within five hundred (500) feet of the boundary lines of the property under consideration. The list shall be certified by the County Property Appraiser, an abstract or title company, or an attorney. The applicant shall follow all required guidelines as set forth in the application.

- (2) The Planning and Zoning Board shall hold a public hearing and shall report its recommendations on the application to the City Commission.
- (3) The Planning and Zoning Board shall also consider the right and interest in the specific purpose easement subject to the application from the standpoint of the need of the community as a whole, and shall make appropriate recommendations regarding access to the subject specific purpose easement, when relevant. Such report shall include a description of any such specific purpose easement to be conveyed/vacated/abandoned and the extent to which the public interest and general welfare of the community shall be addressed by obtaining any additional obligations or removing obligations, in exchange for the City conveying/vacating/abandoning the specific purpose easement.
- (g) Action by City Commission. The City Commission shall consider aforesaid reports and recommendations on applications pursuant to this section, as hereinbefore provided for, within ninety (90) days after receipt of same and shall, after public hearing and due consideration, either accept, modify or deny the application in accordance with the best interests of the public welfare.
- a. The City Commission shall adopt a resolution setting forth the City Commission's decision regarding an acceptance of any non-fee simple interest in real property that is identified as a specific purpose easement.
- b. The City Commission shall adopt an ordinance setting forth the City Commission's decision regarding a conveyance/vacation/abandonment of any non-fee simple interest in real property that is identified as a specific purpose easement.
- (h) Notice by City Clerk. Upon City Commission approval of the application, the resolution for acceptance or ordinance for conveyance/vacation/abandonment, setting forth such approval and any conditions thereof, shall be certified by the City Clerk and forwarded to the applicant. The City Clerk shall record the resolution or ordinance, as applicable, along with the documents relating to the City's interest in real property in the public records of Broward County, Florida, and forward a copy to the designated City department that processed the application.

Sec. 13-37. - Aesthetic design.

- (a) *Review and approval.* Aesthetic design review shall be the responsibility of the ~~planning and zoning board during the~~ included as part of the site plan review process. This section establishes criteria pertaining to appearance in the design of a site, buildings and structures, landscaping, signs, and other miscellaneous objects that are observed by the public. Aesthetic criteria are not intended to restrict imagination, innovation, or variety, but rather to assist in focusing on design principles which result in creative solutions that will promote visual appearance

within the city, preserve taxable values, and promote the public health, safety and welfare.

DIVISION 4. – FEE SCHEDULES

Sec. 13-81. - Development application fees.

(4) *Vacation of rights-of-way/release of easements.*

- a. ~~Abandonment of right-of-way~~Conveyance/vacation/abandonment of streets, alleyways, roads, or public rights-of-way (per each ~~vacation~~) 2,000.00
- b. Release of easement (per each easement) 1,000.00

(15) *Continuance of DRC review.*

- a. Any DRC application continued for more than five (5) DRC reviews shall be considered an extended DRC review process and will be assessed an additional review fee as determined by the director of development services. Additional review fee shall be based on number of disciplines reviewing the application and shall not exceed the original application cost.
- b. Any DRC application inactive for more than six (6) months will be considered "null and void" and any application submitted will be treated as "new" with applicable fees.
- c. Final site plan revisions to be completed within seven (7) days of ~~planning and zoning board~~ City Commission approval. Failure to complete will result in a delinquent fee, per week, per item of (unless otherwise stipulated by staff) 100.00

(16) *Continuance/deferral of planning and zoning board agenda items.*

- a. At applicant's request, between publication of agenda and planning and zoning board meeting 250.00

(17) *Advertising, mailing and research expenses.* The ~~d~~Director of development services Sustainable Development will determine the necessary advertising, mailing and research costs (including administration) reasonably incurred during the processing of development applications as noted in this section. The costs are attributable to the requirements of local, county and state law. These costs are separate from the review and processing fees noted in this section. The applicant shall be assessed such cost at a rate of 1.15 multiplied by the actual cost of advertising, mailing and/or research. Applicant shall pay such fees upon receipt of approved plans and approved documents.

DIVISION 5. – IMPACT FEES

Sec. 13-120. - Definitions.

For the purpose of this division, certain terms and words are defined herein. Additionally, words used in the present tense shall include the future; the singular number shall include the plural, and the plural the singular:

Building permit shall mean a permit issued by the building official for the construction, enlargement, alteration, modification, repair, move, demolition, or change in the occupancy of a building or structure.

Capital improvements shall mean physical assets constructed or purchased to provide, improve or replace a public facility and which are large scale and high in cost. The cost of a capital improvement is generally nonrecurring and may require multi-year financing.

Fee-payer shall mean any person, firm, or corporation intending to commence new development who, during the life of the development, applies for the issuance of a building permit.

Impact fee report shall mean the Public Safety Impact Fees Report prepared by James C. Nicholas, PhD, dated February 22, 2006, which establishes the basis for the fair share of capital facilities costs attributable to new residential and non-residential development based upon standard and appropriate methodologies, and a copy of which is attached to and incorporated by reference into the ordinance creating this division. The city clerk shall keep a copy of this report on file.

New development shall mean the carrying out of any building activity or the making of any material change in the use or appearance of any building or structure or land, which results in an additional impact or demand on police and fire/rescue facilities.

Residential air-conditioned area shall mean the floor area of a residential structure that is designed to be provided with air conditioning and/or heat, and is not the gross floor area of the structure.

Site plan shall mean a document(s) which establishes the development standards for a proposed project, including engineering standards, set backs, square footages, architecture, paving material, landscaping, and other information required by the city.

Site plan approval shall mean final approval of the site plan by the ~~planning and zoning board~~ City Commission, ~~or, if a project is within the Main Street Project area, final approval by the city commission.~~

Site plan approval effective date shall mean the date that the supporting zoning ordinances are finally approved and adopted by the city commission. If no zoning

ordinances are needed, this date shall be the date the final site plan is approved by the ~~planning and zoning board~~ of the eCity eCommission.

ARTICLE II. – SUBDIVISION REGULATIONS

DIVISION 1. – GENERALLY

Sec. 13-138. - General provisions.

The application of this article shall be governed by the following provisions:

- (1) *Conformance to comprehensive plan.* In subdividing property, consideration shall be given to suitable sites for schools, parks, playgrounds and other common areas for public use so as to conform to the recommendations of the comprehensive plan. Any provision for schools, parks and playgrounds should be indicated on the preliminary plat so that it may be determined when and in what manner such areas will be provided or acquired by an appropriate agency.
- (2) *Conformance to major thoroughfare plan.* Unless otherwise approved by the planning and zoning board, provision must be made for the extension of arterial and collector streets as shown on the major thoroughfare plan of the city and local streets must provide for extension within the subdivision in compliance with the design standards of this article.
- (3) *Acreage subdivisions.* Where the parcel of land is subdivided into larger tracts than ordinarily used for building lots, such parcel shall be divided as to allow for the extension of streets as shown on the major thoroughfare plan.
- (4) *Protection from through traffic.* Subdivisions shall be designed such that local and collector streets shall be arranged to discourage their use by through traffic.
- (5) *Plats adjacent to railroad or arterial rights-of-way.* Where a subdivision borders on or contains a right-of-way for a railroad, arterial street, drainage canal or waterway, the ~~planning and zoning board~~ City, may require a street approximately parallel to and on each side of such right-of-way, at a distance suitable for the appropriate use of the intervening land. Such distances shall also be determined with due regard for the requirements of approach grades for future grade separations.

DIVISION 2. – SUBDIVISION PLAT REQUIREMENTS

Sec. 13-162. - Review procedures.

CODING: Words in ~~strike-through~~ type are deletions from existing text.
Words in underline type are additions to existing text.
Asterisks (***) indicate existing text not shown.

- (a) *Preplan review.* The applicant may review the proposed subdivision plat with the ~~community development~~ dDirector of Sustainable Development, or city engineer or designee to confirm general compliance with applicable land use, zoning and land development regulations.
- (b) *Filing.*
 - (1) The applicant shall file eight (8) identical copies of the proposed plat and supplementary materials with the ~~community development~~ dDepartment of Sustainable Development. The ~~community development~~ dDirector of Sustainable Development shall compute the required filing and review fees. Such fees are due upon the date of submittal and are established in accordance with Division 4 of Article I of this chapter.
 - (2) The ~~community development~~ dDepartment of Sustainable Development shall prepare comments to be distributed to the applicant in a meeting of the dDevelopment rReview eCommittee in conformance with section 13-18.
- (c) *Review and recommendation by dDevelopment rReview eCommittee.*
 - (1) Committee members responsible for development application review shall submit written recommendations to the ~~community development~~ dDirector of Sustainable Development according to the review schedule established by the eCity mManager and amended from time to time.
 - (2) The applicant will be notified in writing of comments concerning plat submission. Revisions, additions or corrections will be reviewed by the dDirector of community Sustainable dDevelopment, city engineer, and the applicant. Required revisions and other information required by the dDirector of community Sustainable dDevelopment or city engineer shall be resubmitted by the applicant within seven (7) days of the review. Finalized submissions will be scheduled for review by the pPlanning and zZoning bBoard on the next available agenda for a recommendation to the City Commission. Failure of any applicant to submit information or revised plans as required above shall result in withdrawal of the application from the pPlanning and zZoning agenda. Further, the applicant will be required to resubmit an application including review fees according to Division 4 of Article I of this chapter. Applicants may at any time withdraw an application.
- (d) *Planning and zZoning bBoard review.* The pPlanning and zZoning bBoard shall review subdivision plat applications.
- (e) *City eCommission review.* The eCity eCommission shall review and approve or deny subdivision plat applications.

Sec. 13-164. – Preliminary Plats

CODING: Words in strike-through type are deletions from existing text.
 Words in underline type are additions to existing text.
 Asterisks (***) indicate existing text not shown.

(c) The release or vacation of right-of-way and/or easement wholly or partially within a proposed plat shall be processed concurrently with the preliminary plat. The procedure shall be in accordance with sections 13-36.1 and 13-36.2 of Article I, Division 3 of this Chapter.

Sec. 13-164.1. - Plat improvements engineering plan.

(a) A plat improvements engineering plan shall be submitted with the preliminary plat application to the ~~development services~~ Department of Sustainable Development for review and approval. If the plat improvements engineering plan is not approved by the ~~development services~~ Department of Sustainable Development at least seven (7) days prior to the ~~Planning and Zoning~~ Board meeting date at which the plat is scheduled for ~~approval review~~ by the ~~Planning and Zoning~~ Board, the plat shall not be placed on the agenda, but shall be placed on the next available ~~Planning and Zoning~~ Board agenda for a recommendation to the City Commission after the ~~development services~~ Department of Sustainable Development has approved the plat improvements engineering plan. Cost estimates shall be prepared by the developer and reviewed and approved by the ~~development services~~ Department of Sustainable Development during the review of the plat improvements engineering plan. Cost estimates shall serve as the basis of bond amounts required in section 13-186.

(b) The plat improvements engineering plan shall consist of but not be limited to the following:

(1) Location, right-of-way and pavement width of all proposed roadways internal to the proposed plat and, if any, proposed off-site roadways directly impacted and/or relate to the development.

(2) A general plan for off-site water and sewer facilities consistent with the infrastructure element of the Coconut Creek Comprehensive Plan, for water and sewer facilities necessary to provide water and sewer service to the proposed plat.

(3) A general plan for on-site and/or off-site public drainage facilities that are necessary to provide drainage or outfalls to the connections of the proposed plat.

DIVISION 5. - SUBDIVISION DESIGN STANDARDS

Sec. 13-267. – Public sites and open spaces.

(a) *Land dedication.* Any person who submits a residential plat or a residential part of a plat for approval which exceeds four (4) acres, shall show upon such plat an area irrevocably deeded or dedicated to the city and restricted for use as parks, playgrounds, community facility and/or recreational purposes. Such area shall equal a quantity of land consisting of a minimum of five (5) percent of the gross area to be

platted. The land dedication shall insure the adopted level of service for parks and recreation.

- (1) If the proposed plat is part of an overall subdivision to be developed and consisting of several individual platted areas, the deeded or dedicated area shall be five (5) percent of the entire subdivision and need not be five (5) percent of the individual plats filed, provided, however, that the larger area is dedicated or guaranteed prior to the filing of the individual plats.
- (2) It shall be discretionary with the ~~planning and zoning board~~ City Commission whether or not to accept any proposed dedication pursuant to this section. If a land dedication is not recommended, a cash equivalent is required. No part of the area required to be deeded or dedicated shall be part of or in any way encumbered by or located in any easement or right-of-way. The ~~planning and zoning board~~ City Commission may request a cash equivalent to any percentage of the land dedication in combination to fulfill the requirement.

ARTICLE III. - ZONING REGULATIONS

DIVISION 2. - ZONING CLASSIFICATIONS AND GENERAL REQUIREMENTS

Sec. 13-313. - Interpretation of zoning boundaries.

Unless otherwise shown, the district boundaries border the centerlines of streets, alleys, canals and lakes or the subdividing or lot lines of recorded plats or the extension thereof. Where, due to the scale or illegibility of the zoning map or due to the absence of a street or lot line of a recorded subdivision, there is any uncertainty, contradiction or conflict as to intended location of any district boundary, the ~~planning and zoning board~~ Director of Sustainable Development or designee shall have the power and duty to interpret the intent of such zoning maps to determine the proper location for the district boundary in accordance with the intent of this section. An ordinance causing the rezoning of land, along with its specific legal description, shall be the primary basis for determining district boundaries.

DIVISION 3. - ZONING DISTRICT REGULATIONS AND TABLES

Sec. 13-331. - General provisions.

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(j) *Permitted uses.* Permitted uses, specified under each zoning district, are intended to express the intent and purpose of that district. Special land uses may be permitted by the ~~planning and zoning board~~ City Commission in accordance with section 13-35. Any use which is not specified as a permitted use or special land use under a zoning district is specifically prohibited and is a violation of this chapter subject to the penalties provided by section 1-8, to abatement in a court of competent jurisdiction by injunctive relief or other appropriate judicial remedy.

Sec. 13-348. - Planned unit development district.

(c) *Permitted uses.* Permitted uses in the planned unit development districts are found in the master business list.

- (1) Reserved.
- (2) Reserved.
- (3) No use shall be established in a planned unit development district unless such use is specified for the location in the enacted planned unit development zoning plan and is ~~approved~~ reviewed by the pPlanning and zZoning bBoard and approved by the City Commission. Uses shall be enacted only if they conform to the requirements of subsection (d) of this section.

(f) *Common open space and improvements.* All common open space as well as public and recreation facilities shall be specifically included in the planned unit development plan schedule and be constructed and fully improved by the developer. Common open space and improvements including private or public parks, pools, recreation centers, or other facilities shall be constructed in conjunction with residential dwellings. Such facilities shall be completed at a rate equal to that which is capable of serving the number of completed residential units in the PUD. The PUD Rezoning Development Plan shall specify the location and scope of common area improvements. The improvements must be backed by performance bonds issued to the city in a form and quantity acceptable to the city attorney and development service's director respectively, prior to the issuance of the first residential permits. The improvements shall be complete prior to the first residential certificate of occupancy's for which the improvements are associated as identified and approved ~~by the planning and zoning board~~ during the site plan process. ~~However, the planning and zoning board may permit up to twenty-five (25) percent of the improvement, if requested, during the site plan process. Improvements may be completed may be completed in phases as long as the capacity of the improvement is capable of serving the associated phase of development.~~

Sec. 13-358. - Same—Issuance of building permits for PCD.

- (a) No building permits shall be issued for development in a PCD district until:
 - (1) A PCD meets all requirements of section 13-140, Consistency and Concurrency Determination Standards; Consistency with City/County Comprehensive Plan, and section 13-141, Levels of Service, of Article II, Division 1.
 - (2) Both a land use module concept plan and a master site plan have been approved by the ~~planning and zoning board~~ City Commission.
- (b) Reserved.
- (c) No building permit shall be issued in or for development in a PCD district except in conformity with all provisions of the rezoning to PCD classification and plans submitted under this article.
- (d) The ~~d~~Director of ~~community Sustainable d~~Development may issue building permits only after a final plat has been approved by the ~~e~~City ~~e~~Commission and a tri-party agreement involving Broward County, the City of Coconut Creek, and the developer has been executed. No certificate of occupancy shall be issued, however, until all improvements have been completed and the final plat has been recorded.
- (e) Flexibility rules of Broward County and the City of Coconut Creek comprehensive plan: Limitations applying to commercial uses with underlying industrial land use. No commercial business shall be permitted in a planned commerce district until certificates of occupancy for no less than twenty-five (25) percent of the total PCD gross area have been issued to other nonresidential users by the ~~e~~City.

DIVISION 4. - ACCESSORY USES AND STRUCTURES

Subdivision II. - Parking Regulations and Requirements

Sec. 13-404. - Reduction of the number of developed parking spaces and provision of reserve area for future parking.

The number of developed parking spaces required by this chapter for any site may be reduced by up to twenty (20) percent provided that at least fifty (50) spaces are fully developed on the site. Further, the site shall contain sufficient area for the additional spaces otherwise required by this chapter and sufficient area for all otherwise required improvement such as access isles, driveways and landscaping. The reserve parking can adhere to section 13-399(a)(4) for dimensions.

The area required for the additional required parking spaces shall not be counted toward meeting any other requirements of this chapter. The reserve area shall be shown

on the site plan drawings as it would be developed if no reduction in the required number of parking spaces is approved.

Performance bonding of the reserve parking area must be provided at time of original site plan approval. The amount of the bond shall be one hundred twenty-five (125) percent of the cost if the reserved area were to be built at site plan approval. A cost estimate must be submitted and approved by the appropriate departments with the City of Coconut Creek. The letter of credit, cash bond or any other method of a performance bond must be approved by the ~~eCity a~~Attorney. This bond shall have no time limit, and may only be released by the ~~community development d~~Director of Sustainable Development upon the determination of the site plan review authority through the standard site plan modification process that the reserve area is no longer required. Such a release request shall not be given for a period of at least five (5) years.

Approval for a reduction of the number of developed parking spaces shall be completed through the site plan approval process. Approval for a reduction of the number of developed parking spaces shall be granted only if the site plan review authority finds (at its sole discretion), based on substantial and competent evidence, that the number of developed spaces provided will be sufficient to meet the parking demand on the site on the twentieth busiest hour of the year. ~~Approval for a reduction of the number of developed parking spaces may be rescinded at any time by the site plan review authority if the site plan review authority finds, based on a view, that the number of developed parking spaces provided is not sufficient to meet the demand of the twentieth busiest hour of the year.~~

Such a determination shall be considered by the site plan review authority at a regular scheduled meeting. Submittal for review may be made by city staff, any civil official, any adjacent property owner or any other interested party after a normal planning and zoning board agenda submittal date.

A revocation determination shall not be made until at least thirty (30) days after the owner of the subject property has been notified. During that thirty-day period, at a development review committee meeting and at an ~~agendized planning and zoning board~~ City Commission meeting, the owner of the subject property may present such evidence as he may deem appropriate to the development review committee and site plan review authority's consideration. In the event that the site plan review authority determines to revoke approval for provision of a reduced number of parking spaces, the owner of the subject property shall be notified immediately after a regular ~~scheduled-planning-and zoning-board~~ City Commission meeting.

Sixty (60) days after the owner has been so notified, no occupational license or permit shall be issued or renewed for the subject property until the required number of developed parking spaces, access isles, driveways, landscaping, lighting and other related improvements have been provided.

Subdivision IV. - Landscape Standards and Requirements

Sec. 13-443. - Minimum landscape requirements for zoning districts.

- (15) *Roadway landscape buffer standards.* The intent of this section is to provide enhanced consistent landscaped roadways. This section shall provide minimum requirements for landscape, berms and irrigation within all roadway buffer areas. Such landscape is to provide safety, consistent appearance, character and aesthetic quality thereby promoting the general welfare of the city.
- a. Roadway landscape buffer widths shall conform to 13-331(g).
 - b. Roadway landscape buffers shall be shown and delineated as separate parcels on all plats and site plans. All building, structure and vehicular use setbacks shall be measured from the interior parcel line, not the property line. At time of plat and site plan, all buffer parcels shall be noted to include ownership and the perpetual maintenance responsibility of the owner or assigns.
 - c. Required landscaping within the buffers shall consist of the following:
 1. Meandering and undulating berms to the highest elevation possible not to exceed a maximum 1:3 slope with a one-foot level sod area adjacent to all sidewalks and parking areas.
 2. Trees shall be required within the buffer area at one (1) tree per two thousand (2,000) square feet (1:2,000 square feet) or portion thereof of total land area where overhead utility lines do not exist. Where overhead utility lines exist, tree species acceptable to Florida Power and Light Company (FPL) shall be required at one (1) tree per each one thousand (1,000) square feet (1:1,000 square feet) or portion thereof of total area. Tree location setbacks from overhead utility lines shall be in conformance with FPL standards. Trees may be clustered, however, trees shall be planted no closer than twenty-five (25) feet and no farther than sixty (60) feet apart. Palms may be spaced closer together provided there is adequate stagger in height. Tree sizes shall be in accordance with specifications as provided within the landscape section of this Code.
 3. Palms, where utilized, shall be counted as three (3) palms (3:1) for each required shade tree, in place of the requirement for canopy trees with the exception of Royal Palms (*Roystonea elata*), Canary Island Date Palms (*Phoenix canariensis*), Edible Date Palm (*Phoenix dactylifera*), Coconut Palm (*Cocos nucifera*) and Bismarck Palms (*Bismarckia nobilis*), which shall be counted as one (1) palm for each required shade tree (1:1). Palms shall also conform to FPL standards as to species and location.

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4. Hedges shall be provided and planted at twenty-four (24) inches in height with eighteen-inch spread, branches touching. Special exception may be accommodated by ~~the planning and zoning board~~ administratively, where appropriate, to provide vistas into commercial properties. Minimum maintained height of hedges shall be three (3) feet unless specified otherwise on a site plan and approved by the eCity.

Subdivision V. - Regulations for the Use and Control of Signs

SUBDIVISION 5.9. - PROCEDURES AND ADMINISTRATION

Sec. 13-473. - Deviations.

- (a) *Deviations* . A deviation is a modification of requirements of this subdivision to allow for unusual conditions relating to property or structures where special conditions exist or when literal enforcement of the provisions of this chapter will result in unnecessary or undue hardship which is non-self-imposed, non-financial in nature. However, deviations must not have the effect of allowing a category or type of sign that is prohibited by this subdivision. The deviation process replaces the variance process of ~~s~~Section 13-33, "vVariances," as it pertains to signs. Variances shall not be granted for signs.
- (b) *Application for deviation* . Requests for deviations and the reasons therefore shall be set forth by the applicant in the application for deviation from sign provisions. They shall be accompanied by documentation including, but not limited to, sample detail drawings, schematic architectural drawings, site plans, elevations, and perspectives which shall graphically depict the proposed deviation(s) and illustrate how each deviation would meet the criteria of this section.
- (c) *Review*. An application for deviation from the sign provisions shall be acted upon within thirty (30) days of receipt of a complete application and associated fees by the department. Deviations from the provisions of this sign code ~~may be approved by the planning and zoning board ("board")~~ shall be considered by the Planning and Zoning Board with the final decision to be made by the City Commission, upon a finding that the following criteria are met:
 - (1) The deviation must not be contrary to the public interest, and must be in harmony with the general intent and purpose of this subdivision; and
 - (2) Approval of the deviation will not adversely affect the character of the surrounding development or applicable uniform sign plan; and
 - (3) The literal interpretation and application of the sign regulations will deprive the applicant of sign visibility or effectiveness shared by other property owners; and
 - (4) Approval of a deviation will not degrade the area involved or be detrimental to public welfare; and

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- (5) One (1) of the following conditions are satisfied:
- a. Conditions exist that are not the result of the applicant's actions, such that a literal enforcement of the regulations involved would result in unnecessary or undue hardship; or
 - b. There is something unique about the land, building or site configuration that would cause the signage permitted by this sign code to be ineffective in identifying a use or structure that would otherwise be entitled to a sign.
- (d) ~~Board~~ Final decision. Subject to the standards and criteria stated in subsection 13-473(c), "review", above, the ~~board~~ City Commission shall approve only the minimum deviation from the provisions of this sign code necessary to avoid the unnecessary or undue hardship required by subsection 13-473(c)(5)a. or to cause the signage for the site to be effective in identifying the use or structure located on the site in accordance with subsection 13-473(c)(5)b.
- (e) ~~Appeal of decision. Any person who has been adversely affected by the decision of the board concerning a deviation from the provisions of this sign code may appeal such decision to the city commission pursuant to the procedures set forth in section 13-34, "appeals."~~ The decision of the City Commission is final and may only be appealed to Circuit Court.

DIVISION 5. - SITE PLAN REVIEW REQUIREMENTS

Sec. 13-546. - Approval required.

Construction or improvement on any site may commence only following approval of a site plan by the ~~planning and zoning board~~ City Commission. All construction and improvements shall conform to such approved site plan.

Sec. 13-547. - Review procedures.

- (a) ~~Preplan review~~. The applicant ~~may~~ shall review the proposed site plan with the ~~community development department~~ Director of Sustainable Development or designee to confirm general compliance with land use designation, zoning and regulations of this ~~Chapter~~.
- (b) ~~Filing~~.
 - (1) The applicant shall ~~file eight (8) identical copies~~ submit of the proposed site plan ~~to the with the community development department~~. The ~~community development department director or Sustainable Development Department~~ designee who will compute the required filing and review fees. Such fees are due upon the date of submittal and are established in accordance with Division 4, "Fee Schedules," of Article I of this ~~Chapter~~. The applicant shall also file digitally submit eight (8) identical copies of a proposed preliminary engineering

plan for the site that complies with the requirements of ~~§~~Section 13-167,
“Preliminary Engineering Plan.”

~~(2) The community development department shall prepare comments to be distributed to the applicant at or before a meeting of the development review committee in conformance with section 13-18.~~

(c) *Review and recommendation by the ~~d~~Development ~~r~~Review ~~e~~Committee.*

(1) Committee members and departments responsible for development application review shall submit written recommendations to the ~~community development director~~Sustainable Development Department designee according to a review schedule established by the ~~e~~City mManager and amended from time to time.

(2) The applicant will be notified in writing of comments concerning the site plan submission. Revisions, additions or corrections will be reviewed by the Director of Sustainable Development and ~~director of community development~~, the ~~d~~Development rReview eCommittee and the applicant. Required revisions and any other information required by the ~~e~~Director of community developmentSustainable Development and the ~~development~~Development rReview eCommittee shall be resubmitted by the applicant within seven (7) days of the review. Finalized submissions will be scheduled for review by the ~~p~~Planning and zZoning bBoard on the next available agenda. Failure of any applicant to submit information or revised plans as required above shall result in cancellation of the application. Further, the applicant will be required to resubmit an application including review fees according to Division 4, “Fee Schedules,” of Article I of this ~~e~~Chapter. Applicants may at any time withdraw an application.

(3) Any fees collected in conjunction with development review are nonrefundable.

(d) *Planning and ~~z~~Zoning ~~b~~Board review.* The ~~planning and zoning board~~Planning and Zoning Board shall review and ~~approve~~provide recommendations to the City Commission to approve, approve with conditions, or deny the final site plan as required by this ~~d~~Division. The conditions of ~~approval or the~~the recommendations or grounds for recommending disapproval of a final site plan shall be stated in the minutes of the ~~p~~Planning and zZoning bBoard meeting.

(e) *City Commission review.* The City Commission shall review and ~~approve~~approve with conditions, or deny the final site plan as required by this Division. The conditions of the approval or grounds for disapproval of a final site plan shall be stated in the minutes of the Planning and Zoning Board-City Commission meeting.

(f) *Expiration or extension of site plan approval.* A site plan approval shall expire eighteen (18) months following the date of approval unless a building permit for a principal building as required by the applicable Florida Building Code has been issued to the applicant and kept in force. A ~~One (1)~~ twelve (12)-month extension of the site plan approval may be granted by the ~~development services~~Director of Sustainable Development Department when all applicable planning, building,

zoning, and engineering regulations in effect at the time of the original site plan approval remain unchanged. An extension shall only be granted when an applicant has applied for an extension during the original effective period of the site plan and a determination that the project development is proceeding with due diligence has been made by the ~~development services~~ Director of Sustainable Development Department. ~~Only one (1) extension shall be permitted.~~

(hf) *Denial*. Denial of an application shall preclude the applicant from refiling the same application for twelve (12) months from the date of denial.

(hg) *Abandoned projects*. Developers/builders who desire to complete abandoned projects that have an approved site plan that is still in effect must adhere to the same development standards established by said site plan (engineering, setback, square footage of house, architecture, driveway material, landscaping, etc.) in order to preserve the character of the areas as established by said site plan. Any deviations that do not meet the criteria established in Section 13-549, "Modifications to approved site plan" thereto will require an application for revised site plan approval to be processed through the ~~planning and zoning board~~ City Commission.

(ih) *Previously approved site plans*. Site plans approved prior to the effective date of this ~~s~~ Section shall be effective for a period of eighteen (18) months from October 1, 2001. If active building permits are not issued for the project within the eighteen (18) month effective period, the site plan approval shall lapse and the site plan will no longer be effective.

Sec. 13-548. - Required form and information on site plan.

~~Eight (8) copies~~ A digital submittal of a proposed site plan drawn to an appropriate scale, ~~on one (1) or more blueprints, twenty-four (24) inches by thirty-six (36) inches,~~ shall be filed with the ~~community development director~~ the Sustainable Development Department. The following items shall be shown on all site plan submissions:

(5) *Preparation of information*. The information required by this ~~d~~ Division shall be prepared and digitally sealed by a state registered architect, engineer, landscape architect, or land surveyor, ~~and/or a full member of the American Planning Association~~. Prior to the certificate of occupancy, a sealed as-built site plan shall be submitted to the ~~community development department~~ Director of Sustainable Development.

Sec. 13-549. - Modifications to approved site plan.

Modifications to an approved site plan may be permitted by the administrative approval of the ~~d~~ Director of community development Sustainable Development. Such approval will only be granted in accordance with the following standards:

(1) The modification does not substantially alter the intent and character of an approved site plan;

- (2) Any additional structures contemplated by any modification shall clearly be accessory to a principal use or structure;
- (3) Any modification shall not generate additional off-street parking or intrude into approved off-street parking areas;
- (4) Any modification shall not substantially alter approved on- or off-site schematic engineering.
- (5) Enhancement landscape plans that do not substantially alter the intent and character of an approved landscape plan.

Section 3: Conflicts. That all ordinances or parts of ordinances, all City Code sections or parts of City Code sections, and all resolutions or parts of resolutions in conflict with this Ordinance are hereby repealed to the extent of such conflict.

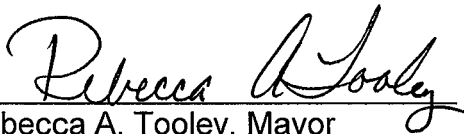
Section 4: Severability. That should any section or provision of this Ordinance or any portion thereof, any paragraph, sentence, clause or word be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remainder hereof as a whole or part hereof other than the part declared invalid.

Section 5: Codification. That the provisions of this Ordinance shall be codified within the Code of Ordinances of the City of Coconut Creek, Florida, and any paragraph or section may be renumbered to conform with the Code of Ordinances.

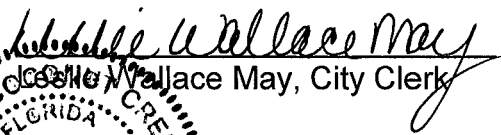
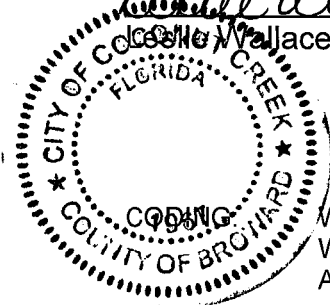
Section 6: Effective Date. That this Ordinance shall become effective upon its passage on second and final reading.

PASSED FIRST READING THIS 14TH DAY OF DECEMBER, 2017.

PASSED SECOND READING THIS 11th DAY OF JANUARY, 2018.


 Rebecca A. Tooley, Mayor

Attest:


 Wallace May, City Clerk


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	<u>1st</u>	<u>2nd</u>
Tooley	<u>Aye</u>	<u>Aye</u>
Rydell	<u>Aye</u>	<u>Aye</u>
Sarbone	<u>Aye</u>	<u>Aye</u>
Belvedere	<u>Aye</u>	<u>Aye</u>
Welch	<u>Aye</u>	<u>Aye</u>

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