

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.

(Ord. No. 115-86, § 108.01, 7-10-86; Ord. No. 159-87, § 108.01, 6-11-87)

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

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

- (1) The applicant is required to submit an amendment application to the director of community development.
- (2) The application shall include a legal description of the proposed amendment signed and sealed by the registered surveyor of the state.
- (3) The applicant shall pay all required fees as specified in Division 4 of this article.
- (4) Amendments shall be processed within an appropriate time frame pursuant to county and state department of community affairs guidelines.

(5) Additional application requirements for land use plan 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. Three 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.

(Ord. No. 115-86, § 108.02, 7-10-86; Ord. No. 159-87, § 108.02, 6-11-87)

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. The planning and zoning board shall review proposed land development regulations, land development codes, or amendments thereto, and make recommendations to the city commission as to the consistency of the proposal with the adopted comprehensive plan.

(Ord. No. 115-86, § 108.03, 7-10-86; Ord. No. 159-87, § 108.03, 6-11-87)

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. Variance requests shall be considered by the planning and zoning board as provided in this section.
- (b) Filing application. Variance requests shall be filed by written application to the director of development services. The application shall be accompanied by a legal description of the subject property with a current 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 be accompanied by the processing fee. The person filing the application must be the property owner or an 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 of all property owners within five hundred (500) feet of the boundary lines of the property under consideration. Mailing labels must be provided for all adjacent property owners. The list shall be certified by the county property appraiser, an abstract and title company, or an attorney.
- (d) Standards for granting. To authorize any variance from the terms of this chapter, the planning and zoning board must find that:
 - (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.
 - (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 planning and zoning board.
 - (2) Public notice for the hearing shall be posted at the city hall.
 - (3) The applicant shall present the variance proposal at a public hearing before the planning and zoning board.
 - (4) The planning and zoning board shall determine if the variance complies with the standards set out in subsection (d).

- (5) The board shall approve the application only by an affirmative majority vote.
- (6) After decision of the board, the city clerk 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 may be appealed to the City commission pursuant to the procedures set forth in section 13-34.
- (f) Variance time limitations. Unless additional time is granted at the time of approval of any variance, any variance authorized by the city which relates to a structure or use 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 city 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 city.
 - (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 city commission, circuit court or upon the filing of a request for relief pursuant to the dispute resolution provisions of F.S. ch. 70, as amended from time to time.
 - (3) A six-month extension of the variance approval may be granted by the development services director 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 director. Only one (1) extension shall be permitted.

(Ord. No. 115-86, § 108.04, 7-10-86; Ord. No. 159-87, § 108.04, 6-11-87; Ord. No. 2001-034, § 2, 10-11-01; Ord. No. 2007-016, § 2, 9-17-07; Ord. No. 2015-053, § 3, 10-8-15)

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 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 planning and zoning board and may subsequently be appealed to the city commission; an appeal of the planning and zoning board's action or decision on a development application shall be made to the city commission. 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 city's land development code; or any person who can show that 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 city clerk, 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 city clerk 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 city clerk 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 city clerk.
 - (c) The city 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:
- (a) The granting of an appeal pertaining to an administrative official's interpretation or application of the city's land development code 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 city's land development code 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 city clerk 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 city clerk or designee.

(Ord. No. 115-86, § 108.05, 7-10-86; Ord. No. 159-87, § 108.05, 6-11-87; Ord. No. 2001-034, § 2, 10-11-01; Ord. No. 2015-053, § 1, 10-8-15)

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 application to the director of community development. The application shall be accompanied by a legal description of the subject property with a sealed land survey prepared by a registered land surveyor. 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 agent of the owner or a member of the planning and zoning board or the city commission.
- (c) Additional application requirements. Applicants shall be required to obtain a list of all property owners within ~~three~~ five hundred (3500) feet of the boundary lines of the property under consideration. The list shall be certified by the county property appraiser, an abstract and title company, or an attorney.
- (d) Processing application.
 - (1) Applications for a special land use shall be scheduled for consideration by the planning and zoning board.
 - (2) Public notice for the hearing shall be posted at the city hall.
 - (3) The applicant shall present the special land use proposal at a public hearing before the planning and zoning board.
 - (4) The planning and zoning board shall determine if the special land use proposal complies with standards in this section.
 - (5) Following the planning and zoning board action on the application, the application shall be forwarded to the city commission. The city commission shall consider the application and approve, approve with appropriate conditions, or deny the application. The board and city commission shall approve applications only by a majority affirmative vote.
 - (6) Following a decision of the board, the city clerk shall send written notification of the decision to the applicant. The decision shall become part of public records.
 - (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. A twelve-month extension of the special land use approval may be granted by the

development services director 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 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 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 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 planning and zoning board and city commission 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 planning and zoning board and city commission 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 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 planning and zoning board and the city 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 planning and zoning board and the city 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 mass, 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 communication towers. Prior to approving a special land use application for a communication tower, the planning and zoning board and the city commission will find based on competent substantial evidence:
- (1) Land-use compatibility. Communication towers shall be located and buffered to ensure compatibility with surrounding land uses. To help ensure such compatibility, each application for a proposed communication tower shall include all requirements for site plan approval as listed elsewhere in this Code, plus the following information:
 - a. The exact location of the proposed tower location on a city official zoning map;
 - b. The maximum height of the proposed tower;
 - c. The color or colors of the proposed tower;
 - d. The location of the proposed tower, placed upon an aerial photograph possessing a scale of not more than one (1) inch equals three hundred (300) feet, indicating all adjacent land uses within a radius of three thousand (3,000) feet from all property lines of the proposed tower location site;
 - e. A line of sight analysis which shall include the following information:
 1. An identification of significant existing natural and man-made features adjacent to the proposed tower location, to indicate those features that will provide buffering for adjacent properties and public rights-of-way;

2. An identification of specific points, measured two thousand (2,000) feet north of the proposed tower, one thousand (1,000) feet south of the proposed tower, and five hundred (500) feet east and west of the proposed tower from which the line of sight analysis is presented. If the proposed tower is within two hundred (200) feet of Lyons Road, a one thousand-foot measurement from the proposed tower east and west should be used;
 3. A statement as to the potential visual and aesthetic impacts of the proposed tower on all adjacent residential zoning districts;
 4. A graphic illustration of the visual impact of the proposed tower, at a scale that does not exceed five (5) degrees of horizontal distance, presented from the specific points identified within the line of sight analysis; or an option of a digitized photo; and
 - f. Such other additional information as may be required by city staff to fully review and evaluate the potential impact of the proposed tower.
 - g. The visual impact analysis or digitized photo shall be prepared, sealed or certified by an engineer or architect registered in the state. The city, at the expense of the applicant, shall employ consultants, if within one thousand (1,000) feet of residential land use, to assist in a review of the findings and conclusions of the visual impact analysis.
- (2) A report shall be submitted, prepared by a licensed professional engineer, which describes the tower height and design, including a cross-section of the structure; through rational engineering analysis demonstrates the tower's compliance with applicable standards as set forth in the Florida Building Code, and describes the tower's capacity, including number and type of antenna dishes it can accommodate.
- (3) Buffering.
- a. An eight-foot fence or decorative wall shall be constructed around the perimeter of a lease site or as noted on site plan to shield base of a communications tower, as measured from the finished grade of the site.
 - b. Landscaping, consistent with the requirements of this Code, 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 city commission may require landscaping in excess of the requirements of this Code 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.
- (4) Any minor modification may not change the intent or appearance of a tower to any substantial degree. Such modification shall be subject to the city's administrative approval process.

(Ord. No. 115-86, § 108.06, 7-10-86; Ord. No. 159-87, § 108.06, 6-11-87; Ord. No. 102-97, § 1, 2-13-97; Ord. No. 2000-33, § 1, 9-28-00; Ord. No. 2001-035, § 1, 10-11-01; Ord. No. 2001-042, § 3, 2-28-02)

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 application to the director of development services. The application shall be accompanied by a legal description of the subject property with a sealed land survey prepared by a registered land surveyor. 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 city commission that has instructed the city manager 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.
- (d) Hearing; action by planning and zoning board and city commission.
 - (1) Applications for a rezoning map amendment shall be scheduled for consideration by the planning and zoning board.
 - (2) Public notice for the hearing shall be posted at the government center.
 - (3) The applicant shall present the rezoning map amendment proposal at a public hearing before the planning and zoning board.
 - (4) Following the planning and zoning board action on the application, the application shall be forwarded to the city commission. The city commission shall consider and approve or deny the application. Decisions by the board and city commission shall be decided by a majority affirmative vote.
 - (5) Following the decision of the city commission, the city clerk or the development services department shall send written notification of the decision to the applicant. The decision shall become part of the public records.
- (e) Standards for decision. Prior to approving any zoning map amendment, the planning and zoning board and city commission 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.

(Ord. No. 115-86, § 108.07, 7-10-86; Ord. No. 159-87, § 108.07, 6-11-87; Ord. No. 157-96, § 1, 9-26-96; Ord. No. 2000-34, § 1, 9-14-00; Ord. No. 2005-040, § 1, 11-10-05)

Sec. 13-36.1. - Vacation and abandonment of streets 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.
- (b) Applications for plat approval and abandonments. Applications for plat approval, pursuant to section 13-164 of the Land Development Code, that requests vacation and abandonment of city rights-of-way, are subject to a concurrent application for abandonment pursuant to this section.
- (c) Application form. All requests for vacation and abandonment of city streets, alleys, special purpose easements and other nonfee interests which the city may have in real property shall be made in writing upon an application form which shall be furnished by the city.
- (d) 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.)
- (e) Procedures for applications for abandonment of right-of-way.
 - (1) Upon receipt of an application for abandonment of right-of-way, together with fees therefore, the development services department shall review same for completeness and for compliance with the requirements of this article. Upon the application being properly submitted, it shall be accepted for filing with the development services department, which shall give a receipt to the applicant for the fee paid. As soon as practicable, thereafter, the development services department shall proceed as follows:
 - a. Forward copies of the application and support 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~~ five hundred (3500) feet in all directions from the line of the street or ~~alley~~ easement 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.~~
 - d.e. Further notify the general public by posting a four-foot by four-foot sign upon the street or ~~alley~~ easement, 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 board. 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 planning and zoning board shall hold a public hearing and shall report its recommendations or status on the application for abandonment to the city commission.
- (3) The planning and zoning board shall also consider the right and interest in the 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 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 traffic circulation. Such report shall include an approximate valuation submitted by the applicant, verified by the staff, and reported to the board of any such street or right-of-way to be abandoned and the extent to which the public interest and general welfare of the community shall be compensated by obtaining any alternate right-of-way or any monetary fee for additional rights-of-way, or by any combination thereof, in exchange for the abandonment applied for. Any monetary fee which forms a part of the compensation to the public interest for such abandonment shall be expressly designated as such and any sums which shall be received by the city pursuant to the provisions hereof shall be required to be deposited in the right-of-way acquisition fund which shall be established.
- (f) Action by city commission. The city commission shall consider aforesaid reports and recommendations on applications for abandonment, as hereinbefore provided for, within sixty (60) days after receipt of same, and shall, after public hearing and due consideration, either accept, modify or deny the recommendation in accordance with the best interests of the public welfare. If by the acceptance, modification or denial of the recommendation, a change in the land use of the comprehensive plan (district map) is required, or if the aforesaid action of the city commission necessitates a change in the existing property interests or rights, an ordinance setting forth the change shall be introduced as soon as possible.
- (g) Notice by city clerk. Upon city commission approval of the application, an ordinance setting forth such approval shall be certified by the city clerk and forwarded to the applicant for processing at the county, after which the vacation shall be recorded in the public records of Broward County, Florida, 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.

(Ord. No. 157-96, § 1, 9-26-96; Ord. No. 2005-040, § 2, 11-10-05)

Sec. 13-37. - Aesthetic design.

- (a) Review and approval. Aesthetic design review shall be the responsibility of the planning and zoning board during 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.
- (b) Standards generally.
 - (1) Harmonious and efficient organizations. The site plan shall be organized harmoniously and efficiently in relation to topography, the size and type of plot, the character of adjoining property, and the type and size of buildings. The site will be developed to facilitate orderly development of surrounding property.
 - (2) Preservation of natural state. Desirable vegetation or other unique natural features shall be preserved in their natural state when practical. Tree and soil removal and filling of natural watercourses shall be minimized.
 - (3) Enhancement of residential privacy. The site plan shall provide reasonable visual and sound privacy for all adjacent dwelling units. Fences, walks, barriers and vegetation shall be arranged for protection and privacy.

- (4) Emergency access. Structures and other site features shall be arranged to permit practical emergency vehicle access to all sides of buildings.
 - (5) Access to public ways. Every structure and dwelling unit shall have access to a public street, walkway or other area dedicated to common use.
 - (6) Pedestrian circulation. A pedestrian circulation system shall be provided which is separate from the vehicular circulation system.
 - (7) Design of access and egress drives. The location, size, and numbers of ingress and egress drives to a site will be designed to minimize the negative impacts on public and private streets and on adjacent property.
 - (8) Coordination with off-site vehicular and pedestrian circulation systems. The arrangement of rights-of-way or easements for vehicular and pedestrian circulation shall coordinate the pattern of existing and planned streets and pedestrian or bicycle pathways in the area.
 - (9) Stormwater control. Protective measures shall ensure that removal of stormwater runoff will not adversely affect neighboring properties or the public storm drainage system. Provisions shall be made for construction of wastewater facilities including grading, gutters, piping to direct stormwater and prevent erosion. Surface water on all paved areas shall be collected at intervals which do not obstruct vehicular or pedestrian traffic.
 - (10) Exterior lighting. Location, type, size and direction of exterior lighting shall not glare or direct illumination which interferes with adjacent properties or safety of public rights-of-way.
 - (11) Protection of property values. Elements of a site plan shall be arranged to have minimum negative impact on values of adjoining property.
- (c) Specific standards.
- (1) Relationship of buildings to site.
 - a. The site shall be planned to accomplish a desirable transition with the streetscape and to provide for adequate planting, safe pedestrian movement, and parking areas.
 - b. Site planning in which setbacks and yards are in excess of zoning restrictions is encouraged to provide an interesting relationship between buildings.
 - c. Parking areas shall be treated with decorative elements, building wall extensions, plantings, berms, or other innovative means so as to screen parking areas from view from public ways.
 - d. Without restricting the permissible limits of the applicable zoning district, the height and scale of each building shall be compatible with its site and existing or anticipated adjoining buildings.
 - e. Newly installed utility services, and service revisions necessitated by exterior alterations, shall be underground.
 - (2) Relationship of buildings and site to adjoining areas.
 - a. Adjacent buildings of different architectural styles shall be made compatible by such means as landscape screens, sight breaks and materials.
 - b. Attractive landscape transition to adjoining properties shall be provided.
 - c. Harmony in texture, lines and masses is required.
 - (3) Building design.
 - a. Architectural style is not restricted. Evaluation of the appearance of a project shall be based on the relationship to surroundings.
 - b. Buildings shall have good scale and be harmonious with permanent neighboring developments.

1. Materials shall have good architectural character and shall be selected for harmony of the building with adjoining buildings.
 2. Materials shall be selected for suitability to the type of buildings and the design in which they are used. Buildings shall have the same materials, or those that are architecturally harmonious, used for all building walls and other exterior building components wholly or partly visible from public ways.
 3. Materials shall be of durable quality.
 4. In any design in which the structural frame is exposed to view, the structural materials shall be compatible within themselves and harmonious with their surroundings.
- c. Building components, such as windows, doors, eaves, and parapets, shall have good proportions and relationships to one another.
 - d. Colors shall be harmonious, using only compatible accents.
 - e. Mechanical equipment or other utility hardware on the roof, ground, or buildings shall be screened from public view with materials harmonious with the building, or they shall be so located as not to be visible from any public ways. This provision does not apply to the installation of electric vehicle charging stations.
 - f. Exterior lighting shall be part of the architectural concept. Fixtures, standards, and all exposed accessories shall be harmonious with building design.
 - g. Refuse and waste removal areas, service yards, storage yards, and exterior work areas shall be screened from view from public ways, using materials as stated in criteria for equipment screening.
 - h. Variation of detail, form, and siting may be used to provide visual interest. In multiple building projects, variable siting or individual buildings may be used to prevent a monotonous appearance.
- (4) Landscaping and site treatment. Landscape elements included in these criteria consist of all forms of planting and vegetation, ground forms, rock groupings, water patterns, and all visible construction except buildings and utility structures.
- a. Natural or existing topographic patterns contributing to the beauty and utility of a development shall be preserved and developed. Modification of topography will be permitted where it contributes to good appearance.
 - b. Grades of walks, parking spaces, terraces, and other paved areas shall provide an inviting and stable appearance.
 - c. Landscape treatment shall be provided to enhance architectural features, strengthen vistas and important axes, and provide shade.
 - d. Unity of design shall be achieved by repetition of certain plant varieties and other materials and by correlation with adjacent developments.
 - e. Plant material shall be selected for its structure, texture, and color for interest and for its ultimate growth. Plants that are indigenous to the area and others that will be hardy, harmonious to the design, and of good appearance shall be used.
 - f. Plants susceptible to injury by pedestrian or motor traffic, shall be protected by appropriate curbs, tree guards, or other devices.
 - g. Parking areas and trafficways shall be enhanced with landscaped spaces containing trees or tree groupings.
 - h. Where building sites limit planting, the placement of trees in parkways or paved areas is encouraged.

- i. Service yards and other unsightly places shall be screened by use of walls, fencing and/or planting.
- j. In areas where general planting will not prosper, other materials such as fences, walls, and pavings of wood, brick, stone, gravel, and cobbles shall be used. Plants shall be combined with such materials where possible.
- k. Exterior lighting, when used, shall enhance the building design and the adjoining landscape. Lighting standards and building fixtures shall be of a design and size compatible with the building and adjacent areas.

(5) Signs.

- a. Every sign shall have appropriate scale and proportion in its design and in its visual relationship to buildings and surroundings.
- b. Every sign shall be designed as an integral architectural element of the building and site to which it principally relates.
- c. The colors, materials and lighting of every sign shall be harmonious with the building and site to which it principally relates.
- d. The number of graphic elements on a sign shall be held to the minimum needed to convey the sign's major message and shall be composed in proportion to the total area of the sign face.
- e. Each sign shall be compatible with signs on adjoining premises.
- f. Identification signs of a prototype design and corporation logos shall conform to the criteria for all other signs.

(6) Miscellaneous structures and street hardware.

- a. Miscellaneous structures and street hardware shall be designed to be part of the architectural concept of design and landscape. Materials shall be compatible with buildings, scale shall be appropriate, colors shall be in harmony with buildings and surroundings and proportions shall be attractive.
- b. Lighting in connection with miscellaneous structures and street hardware shall meet the criteria applicable to site, landscape, buildings and signs.

(7) Maintenance, planning and design factors.

- a. Materials and finishes shall be selected for their durability and wear as well as for their beauty. Proper measures and devices shall be incorporated for protection against the elements, neglect, damage, and abuse.
- b. Provisions for cleaning buildings and structures and control of dirt and refuse shall be included in the design. Configurations that tend to accumulate debris and dirt shall be avoided.

(Ord. No. 115-86, § 108.08, 7-10-86; Ord. No. 159-87, § 108.08, 6-11-87; Ord. No. 002-2000, § 1, 3-9-00)

Sec. 13-38. - Building permits.

- (a) Required. A building permit is required for construction, addition, alteration, movement, repair or change to a new or different use of any building, structure or land. A permit is also required for all work by city franchises and their assigns within the city limits, rights-of-way and easements granted to the city.

- (b) Filing application. Applications for building permits shall contain all information required by the director of development services pursuant to the Florida Building Code. Applications shall be accompanied by a survey prepared by a registered land surveyor of the state. Applications shall also include the processing fees required by Division 4 of this article. Applications will only be accepted from the property owner or a licensed, bonded contractor representing the property owner.
- (c) Processing of application.
 - (1) Completed building application forms are submitted to the department of community development with two (2) sets of construction plans and the appropriate permit fees as set forth in Division 4 of this article.
 - (2) Permit applications are reviewed by the community development department.
 - (3) Applications are returned to the applicant for correction or approved as submitted.
 - (4) Following all required approvals, the director of community development shall authorize issuance of the building permit.
- (d) General requirements.
 - (1) Building permits may not be issued by the director of development services for any applicable purpose except when in conformance with the regulations of this chapter.
 - (2) Building permits for construction of a principal building may not be issued unless a plat, including the site of the proposed building, has been approved by the city commission in accordance with the requirements of Article II of this chapter and has been recorded in the official records of the county after June 4, 1953, subject to the following exceptions:
 - a. An application for a building permit for the construction of a single-family dwelling on a single-family parcel meeting all effective city and county requirements for plat approval except those requirements relating to the actual submission, approval and recordation of a plat document;
 - b. An application for a building permit for construction of a multifamily residential or nonresidential parcel which is less than five (5) acres in size and the boundaries of which are specifically delineated on a recorded plat, meeting all effective county and city requirements for obtaining plat approval, except for those requirements relating to the actual submission, approval and recordation of a plat document.

If these general requirements are in conflict with other state and county regulations, the most restrictive shall apply.

 - (3) All building and construction permits shall expire if construction does not commence within one hundred eighty (180) days from the date of issuance.
 - (4) Building permits issued on the basis of plans and specifications approved by the department of community development authorize only the use, arrangement and construction as shown on approved plans. Use, arrangement, or construction which deviates from approved plans and specification shall be in violation of this chapter. Statements made by the applicant on the building permit application shall be official. Approval of permit applications by the director of community development shall not exempt the applicant from applicable provisions of this chapter and all other applicable regulations, codes and laws. A building permit issued in error shall not confer any rights or privileges to the applicant to proceed in construction and shall be null and void.
 - (5) Any person found to be in violation of the provisions of this chapter shall be punished pursuant to the provisions of section 1-8. Each day on which any violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such.

(Ord. No. 115-86, § 108.09, 7-10-86; Ord. No. 159-87, § 108.09, 6-11-87; Ord. No. 2001-042, § 3, 2-28-02)

Sec. 13-39. - Certificates of occupancy.

- (a) Required and issued pursuant to Florida Building Code. Certificates of occupancy shall be required and issued in accordance with the provisions of Section 106.1.2 of the Florida Building Code.
- (b) Site requirements. Certificates of occupancy shall be issued upon completion of the following requirements:
 - (1) Site plans containing one (1) building, shall not be issued a certificate of occupancy until all improvements shown on the approved site plan, including but not limited to streets, walkways, parking lots, on-site and off-site lighting, utilities and landscaping, have been constructed and completed in accordance with applicable building codes and the approved site plan.
 - (2) Site plans containing more than one (1) building may be issued a certificate of occupancy for each building prior to completion of all improvements, when the following improvements are completed:
 - a. Paved access, including streetlights and landscaping, to the building for which a certificate of occupancy is requested. The paved access shall include all paving necessary to connect the parking area from the building to a collector street as determined by the city engineer.
 - b. Parking lots for each building, including all landscaping construction and improvements;
 - c. Landscaping within thirty-five (35) feet of the exterior building line, or a point midway between buildings where the distance between buildings is less than seventy (70) feet;
 - d. All utilities necessary to furnish essential services to the building;
 - e. All applicable building and occupancy regulations for the building or structure.
 - (3) When public streetlights are shown on a site plan as being located within a public right-of-way and installation of such lights is the responsibility of Florida Power and Light Company, installation of such lights will not be required prior to issuance of a certificate or certificates of occupancy.

(Ord. No. 115-86, § 108.10, 7-10-86; Ord. No. 159-87, § 108.10, 6-11-87; Ord. No. 2001-042, § 3, 2-28-02)

Sec. 13-40. - Engineering permits.

- (a) Permits required.
 - (1) Issuance by engineering division. A permit is required for all engineering improvements and construction under city jurisdiction. Such permits shall only be issued by the engineering division in accordance with the city's land development code, Division 4 of Article II of this chapter.
 - (2) No construction before permit. Except as provided hereinafter, no construction shall be started until a permit for the proposed installation has been granted by the engineering division. Minor construction or maintenance work, such as installation modification for water meters (up to two (2) inches), cable splice pits (not in or within two (2) feet of a roadway) streetlight maintenance, or similar types of work may be done without permit, however the engineering division shall be given forty-eight (48) hours prior notice. This does not include cable replacement, or any other type of facility upgrading or rehabilitation involving excavation, except for splice pits as stated above.
 - (3) Emergency work. None of the above permit procedures shall apply to emergency repair work. Emergency repair work is work which must be done immediately upon discovery, in order to

safeguard the public from immediate danger to life or limb, to safeguard public health, safety or welfare, to repair or replace traffic signals or to restore interrupted utility services. In the event of an emergency as defined above, repair work may be started without a permit upon verbal notification being given to the engineering division. If the engineering division offices are closed, then notification must be given as early as possible on the next regular work day. After the emergency repair is completed, a record drawing must be submitted to the engineering division, unless otherwise provided hereinafter, within ten (10) working days. Work that can be scheduled ahead of time will not be considered emergency work.

(b) General requirements.

(1) Ownership of facilities. All facilities permitted for installation within the public rights-of-way must be owned and maintained by a public service utility or franchise or by a political entity competent to function within the State of Florida, and shall remain the liability of the last operating entity until removed. This section shall not apply to facilities required to be left in place by the engineering division.

(2) Validity.

- a. Permits will become invalid one hundred eighty (180) calendar days from date of issuance if work has not begun on a permitted project, unless other provisions have been made with the engineering division. Permits will become invalid upon suspension of work in excess of ninety (90) days on any permitted work, unless an extension has been granted by the engineering division.
- b. If permittee wishes to begin, continue, or resume work after permit expiration, a new permit must be obtained with all current conditions and regulations having to be met including new plan approval. A new permit fee will be charged for the uncompleted portion only.
- c. Permits will expire upon completion of the permitted work and acceptance of the installation, by the owner, operator, all regulatory agencies involved, and the engineering division.

(c) Procedure for obtaining a permit.

(1) Construction drawing review. Prior to application for permit, a minimum of six (6) complete sets of construction drawings (final engineering plans) with supporting design calculations for the proposed work, signed and sealed by an engineer registered in the State of Florida, shall be submitted to the engineering division for review and approval, unless otherwise specified hereinafter or arranged with the city engineer.

After the engineering division has reviewed the drawings, the owner or engineer of record shall be advised in writing of the approvability of these drawings and what, if any, items should be revised. If necessary, one (1) copy of each drawing noting all required revisions shall be returned to the engineer of record with an explanatory letter and a final engineering checklist. Three (3) sets of approved drawings shall be returned to the engineer of record once all checklist items have been approved.

When the drawings have been approved, and all documentation for other agency approvals have been provided, application for a permit for construction may be made. Construction drawing approvals shall be void after one (1) year unless an engineering division permit to construct the approved facilities has been issued. In the event that applicable standards, regulations or laws change subsequent to construction drawing approval, but prior to permit issuance, revised plans must be submitted for approval under the new requirements.

(2) Permits shall be issued to qualified applicants only. Necessary application forms shall be available at the engineering division offices. Forms are to be completed, signed and submitted together with appropriate fees. The application, when signed and dated by the issuing agent for the city, shall constitute the permit for construction.

- (3) No permit shall be issued for work until all the required performance bonds have been posted. Construction shall not commence until applicant has obtained all necessary approvals and permits from all agencies having jurisdiction and has submitted same to the engineering division. Forty-eight (48) hours minimum prior notice must be given to the engineering division prior to the start of construction.
- (4) Plan approval is based primarily upon the information contained on the approved engineering construction drawings. Subsequent minor revisions approved after permitting may be indicated upon approved prints, but such changes must be signed and dated by representatives of the engineer of record and the engineering division prior to the contractor proceeding with the revisions.

(Ord. No. 122-94, § 1, 5-26-94)

Secs. 13-41—13-79. - Reserved.