

ORDINANCE NO. 2024-012

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," TO CONSOLIDATE AND STREAMLINE DEVELOPMENT REVIEW PROCEDURES, UPDATE PROCEDURES FOR SPECIAL LAND USES, PLATS, AND SITE PLANS, REVISE CITY DEPARTMENT NAMES AND THEIR RELATED DIRECTOR TITLES TO REFLECT THE CITY'S CURRENT ORGANIZATIONAL STRUCTURE, AND UPDATE OR DELETE OUT-OF-DATE STATUTORY REFERENCES; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Article VIII, Section 2, of the Florida Constitution 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's Land Development Code has been in existence for several decades and amended as needed, in parts, over the years, each time utilizing the terms, department names, and operational parameters in existence at that time; and

WHEREAS, the City believes that having consistent and streamlined procedures for processing development applications will ensure due process and make the process of submitting and reviewing development applications easier for applicants, residents, and City staff to follow and understand same; and

WHEREAS, in reviewing the Land Development Code, staff has identified additional amendments to update procedures and language to generally eliminate conflict and duplication and improve the user friendliness of the Land Development Code in order to enhance implementation; and

WHEREAS, the Planning and Zoning Board, sitting as the Local Planning Agency reviewed the proposed text amendment at a public hearing held on March 13, 2024, determined that the changes proposed in this ordinance are consistent with and further the goals, objectives, and policies of the City’s Comprehensive Plan, and voted to recommend that the changes be approved; and

WHEREAS, the City Commission is charged with protecting the health, safety, and welfare of its residents and believes this ordinance to be in the best interest of the residents.

NOW, THEREFORE, THE CITY COMMISSION OF THE CITY OF COCONUT CREEK HEREBY ORDAINS:

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: Amendment. That the Code of Ordinances of the City of Coconut Creek, Florida, shall be amended by amending Chapter 13, “Land Development Code,” to read as follows:

Chapter 13 - LAND DEVELOPMENT CODE

Sec. 13-4. Adoption of elements of comprehensive plan.

(a) *Elements adopted.* The city commission hereby adopts the ~~eight (8)~~ ten (10) elements cited below, which includes the previously adopted future land use plan element, all of which comprise the comprehensive plan of the city. The comprehensive plan includes both the reports and associated exhibits which are incorporated in this section by reference and made a part of this section.

- ~~I. Future land use plan element~~
- ~~II. Traffic and circulation element~~
- ~~III. Housing element~~
- ~~IV. Recreation and open space element~~
- ~~V. General sanitary sewer, solid waste, drainage and potable water element~~
- ~~VI. Electric utility element~~
- ~~VII. Intergovernmental coordination element~~
- ~~VIII. Conservation element~~
- I. Future land use element
- II. Transportation element
- III. Housing element

CODING: Words in *struck through* type are deletions from existing text.
Words in underscored type are additions to existing text.
A line of *** indicates existing text not shown.

- IV. Infrastructure element
- V. Conservation element
- VI. Recreation and open space element
- VII. Intergovernmental coordination element
- VIII. Capital improvements element
- IX. Public school facilities element
- X. Property rights element

(d) *Amendment.* As often as it is desirable, ~~but at least once every five (5) years,~~ and in accordance with any review schedules established by state law, the city's local planning agency shall prepare and submit to the city manager a status report on the comprehensive plan elements. This statement shall identify whether changes, amendments, additions or other modifications to the comprehensive plan are needed.

Sec. 13-16. Planning and zoning board.

(a) *Responsibilities.* The planning and zoning board shall be responsible for the city's comprehensive planning program, and as required by F.S. § 163.3174, shall be designated as the city's local planning agency. The planning and zoning board shall advise on all matters pertaining to land planning and plan implementation. The board shall have the power to conduct investigations, hold public hearings, take testimony, review documentary evidence, issue orders, and make recommendations to the city commission on all activities relating to land planning and plan implementation. Specifically the board shall:

- ~~(8)~~ ~~Hear and decide appeals by parties pursuant to section 13-34, "Appeals";~~
- (98) Review applications for such variances from the land development code as are authorized under the land development code and make recommendations to the city commission;
- ~~(409)~~ Perform any other functions, duties or responsibilities as assigned by the city commission.

Sec. 13-18. Department of sustainable development ~~services.~~

(a) *Responsibilities.* The department of sustainable development ~~services~~ is directly responsible to the city manager. The department shall direct all matters pertaining to planning, building, ~~engineering,~~ and code ~~enforcement~~ compliance. The department conducts and administers research, advanced planning, current planning, land use controls, and administrative services related to development permits.

- (b) *Specific duties.* Duties of the department of sustainable development services include preparation and recommendation related to the following items:
- (1) Comprehensive plan;
 - (2) Land development regulations and codes;
 - (3) ~~The zoning ordinance~~ regulations;
 - (4) Zoning map changes;
 - (5) Subdivision plats;
 - (6) Site plans;
 - (7) Special land use requests;
 - (8) ~~Engineering improvements~~; variance requests;
 - (9) Capital improvements plan;
 - (10) ~~Engineering inspections~~; special exception requests;
 - (11) Building inspections;
 - (12) Code compliance inspections;
 - (13) Occupational use license inspections;
 - (14) Issuance of development permits;
 - (15) Issuance of building permits;
 - (16) Issuance of certificates of occupancy;
 - (17) ~~Issuance of engineering permits~~; Business tax receipts;
 - (18) Administration of development fees and violation fines;
 - (19) ~~Administration of city construction projects~~; Community residence applications and reasonable accommodation requests to the city's zoning code;
 - (20) Coordination of development activities with other agencies; and
 - (21) Other projects as assigned by the city manager.
- (c) *Enforcement of building and zoning regulations:*
- (1) The *Florida Building Code*, is hereby adopted and shall be applicable to and regulate all building in the city.
 - (2) The director of sustainable development services shall be appointed by the city manager ~~to~~ and he or she shall be responsible for:
 - a. ~~enforce enforcement and administer administration of~~ the regulations of the *South Florida Building Code*. ~~The director of development services shall~~ and shall be the principal enforcing officer of such code and it shall be his/her duty and responsibility to coordinate the work of all subordinate inspectors; ~~and~~.
 - ~~(3)~~b. ~~The director of development services shall be appointed by the city manager. The director of development services shall be responsible for enforcement and compliance of all development with the contents of this chapter, in addition to such other responsibilities and portions of the city code assigned by the city manager.~~
- (d) *Enforcement of neighborhood preservation and enhancement program.* Pursuant to the provisions of F.S. §§ 163.524—163.526, the city is hereby authorized to participate in the neighborhood preservation and enhancement program. The city

commission hereby designates the department of sustainable development services department as the agency to enforce the program.

Sec. 13-19. Development review committee.

- (a) The development review committee (DRC) is established for the purpose of providing initial review of development plans and specifications to ensure technical code compliance on an administrative level.
- (b) ~~The development review committee~~ DRC shall be composed of a representative from ~~planning the department of sustainable development~~, who shall prepare the agenda, ~~engineering, public safety police, fire, public works, utilities and engineering, building, and landscaping, transportation, and other departments as determined necessary by the director of sustainable development.~~
- (c) ~~The development review committee~~ DRC shall be responsible for the following with respect to ensuring technical code compliance and, to the extent feasible, optimization of design to address Crime Prevention Through Environmental Design (CPTED) principles. The DRC shall review all development permit applications including but not limited to:
 - (1) Comprehensive plan;
 - (2) Land use change petitions;
 - (3) Subdivisions and plats;
 - (4) Site plans;
 - (5) Rezoning;
 - (6) Utility plans;
 - (7) Variances;
 - (8) Vacation and abandonment of streets and easements;
 - (9) Outdoor dining and outdoor cafes; and
 - (10) Special land uses.
- (d) Compliance with code. No application for a development permit issued by the City of Coconut Creek for the development of land within the city shall be reviewed or development permit issued, except in compliance with the requirements and procedures set forth in this section and this Land Development Code.
- (e) Compliance with CPTED principles. Applications shall undergo Crime Prevention Through Environmental Design (CPTED) review. ~~Applications for plat approval as they relate to access to trafficways (Section 13-164), access to non-trafficway collector roads (Section 13-164), applications for site plan approval (Section 13-548) and design reviews (Section 13-37) shall undergo CPTED review for all uses except for one single family dwelling or one duplex. The CPTED review must be completed and signed by a person from law enforcement and/or City code enforcement and/or planner trained in CPTED. The CPTED designated person shall have successfully completed forty (40) hours of basic CPTED training. Compliance with the comments noted by the CPTED reviewers shall be voluntary for sites not owned or controlled by the city. To the extent such comments are consistent with the provisions of the City Code of Ordinances, compliance with comments noted by the CPTED reviewers shall be mandatory for all sites owned or leased by the city.~~

- (1) The CPTED review performed by the individuals set forth above during design review shall encompass the following CPTED principles:

- ~~(e) Application for development permit. Any application for a development permit required or authorized under the City Code of Ordinances shall require an effective development order to be granted by the development services director or the city commission prior to issuance of a development permit. The office of development services shall be the central intake point for the filing of all applications and supporting documents for development permits. Except as otherwise provided in this article the following procedures shall govern the review of applications for development permits subsequent to filing:~~

- ~~(1) *Agency review:* Upon acceptance of an application for development permit, the planning and zoning manager shall forward a copy of the application and accompanying material to each of the following agencies for review:~~

- ~~a. A person from law enforcement and/or City Code enforcement who is trained in CPTED for plat applications and site plan applications.~~

- (f) Review by the development review committee.

- (1) DRC review.

- a. The department of sustainable development will forward applications and applicable documents and reports to the members of the DRC for review and comment.

- b. Committee members and departments responsible for development application review shall submit written comments to the sustainable development department according to a review schedule established by the city manager and amended from time to time.

- (2) Notice of written comments. The applicant will be notified in writing of comments concerning the application submission.

- (3) Committee meeting. The applicant shall meet with the DRC to review the written comments and any required revisions, additions or corrections prior to updating the application and plans.

- (4) Application update. Required revisions, additions or corrections and any other information required by the director of sustainable development and the DRC shall be resubmitted by the applicant within thirty (30) days of the DRC meeting.

- (5) Additional DRC review. Revisions, additions or corrections will be reviewed by the director of sustainable development and the members of the DRC and the applicant.

- (6) Failure to submit updated documents. Failure of any applicant to submit information or revised plans as required above shall result in cancellation of the application unless a waiver of timeframes form, available from the department of sustainable development, has been filed with the department. The applicant will be required to resubmit an application, including review fees according to division 4, "Fee Schedules," of article I of this chapter.

- (7) Applicants may at any time withdraw an application by written request to the director of sustainable development.
- (8) Any fees collected in conjunction with development review are nonrefundable.
- (9) Waiver of review. The director of sustainable development may waive the meeting of the DRC under this section upon a determination that such a meeting is not necessary or a similar application review has already been made regarding the same land and no change in circumstances has occurred which necessitates further review.

~~Sec. 13-20. - Reserved.~~

~~Secs. 13-210—13-295. - Reserved.~~

DIVISION 3. IMPLEMENTATION PROCEDURES

Sec. 13-26. Application Review Procedures.

- (a) Development order required. Any application for a development permit required or authorized under the City Code of Ordinances shall require an effective development order to be granted by the director of sustainable development or the city commission prior to issuance of a development permit. The department of sustainable development shall be the central intake point for the filing of all applications and supporting documents for development permits.
- (b) Requirements. An application for a development permit shall comply with the following:
 - (1) The applicable provisions of the city's land development code, as amended from time to time.
 - (2) The applicable provisions of the city's code of ordinances, as amended from time to time.
 - (3) The applicable provisions of the city's adopted comprehensive plan, as amended from time to time.
 - (4) The provisions of any plan specifically applicable to the subject property, including a planned commerce district (PCD) plan, planned unit development (PUD) plan, planned mainstreet development district (PMDD) plan, or overlay zoning district.
- (c) Applicant Burden. The applicant shall have the burden of showing that all standards, requirements, and criteria of the land development code, the city code, the comprehensive plan, and any applicable area specific plan have been met.
- (d) Timeframes. The timeframes in this chapter may be waived or extended as provided herein, or upon written agreement of the applicant.
- (e) Concurrent applications.
 - (1) An application requiring multiple development approvals must submit individual applications and all applicable fees for each individual application.

- (2) At the discretion of the director of sustainable development, applications for various development approvals may be processed concurrently to the extent feasible.
- (f) Applicable procedures. All applications shall be processed pursuant to these development review procedures and the land development code requirements specific to the applications submitted.
- (g) Pre-application meeting.
- (1) A pre-application meeting with the department of sustainable development staff is required prior to submitting an application for development approval, unless waived by the director of sustainable development.
- (2) Applicants proposing PCD, PUD, or PMDD zoning shall provide a preliminary development plan, which shall include the following prior to scheduling a pre-application meeting:
- a. A boundary map of the proposed PCD, PUD, or PMDD.
 - b. The proposed pattern of land use.
 - c. The proposed square footage.
 - d. Type of land use module(s) (PUD only).
 - e. If applicable (PUD or PMDD rezonings only), the proposed number and type of dwelling units and densities. The proposed development type module shall be specific to include high rise, low rise, townhouse, garden apartment, standard single-family zero lot line, single-family cluster including density ranges and minimum lot sizes.
 - f. Proposed streets and circulation and, if applicable, whether public or private maintained and/or proposed as a secure gated project.
 - g. Proposed open spaces.
 - h. An outline of the petition for rezoning.
 - i. Other plans, maps and documents deemed necessary for pre-application conferences.
- (3) At the pre-application meeting, the applicant will describe and present their project and department of sustainable development staff shall provide information to assist the applicant in interpreting the applicable requirements.
- (h) Application review - Generally. Applications shall be processed according to the Development Review Chart, Table 13-26-1 below, and the procedures of this chapter. In the event of conflict, the provisions of the text prevail over the chart.

TABLE 13-26-1 DEVELOPMENT REVIEW CHART						
Application Type	Code Section	DRC Review Required	Planning and Zoning Board (LPA) Review Required	FINAL DECISION-MAKING AUTHORITY		
				Director of Sustainable Development	City Commission Resolution One (1) Hearing	City Commission Ordinance Two (2) Hearings
Appeal of Administrative Decision	13-34				X	
Comprehensive Plan Amendment (Text Amendment)	13-30 Florida Statutes	X	X			X

Land Use Plan Map Amendment	13-31 Florida Statutes	X	X			X
Land Development Code Amendment	13-32	X	X			X
Special Land Use	13-35	X	X		X	
Special Exception	13-35.1		X		X	
Variance	13-33	X	X		X	
Plat	13-162	X	X		X	
Rezoning (Zoning Map Amendment)	13-36	X	X			X
To PUD	13-348 13-36	X	X			X
To PCD	13-350 13-36	X	X			X
To PMDD	13-364 13-36	X	X			X
Vacation of Platted Public Right-of-Way	13-42(c)(3)	X	X		X	
Vacation of an Easement or Buffer	13-42(c)(2)	X			X	
Dedication of an Easement or Buffer	13-42(c)(2)					X
Qualifying Development (affordable housing)	13-551	X		X		
Site Plan (any Zoning District)	13-546	X	X		X	
Site Plan Modification - Administrative	13-549(a)	X (no meeting required)		X		
Site Plan Amendment	13-549(b) 13-546	X	X		X	

(i) Application.

- (1) A development approval application shall be commenced by the filing of a complete digital application in the form approved by the city, together with payment of all application fees established by the city, to the department of sustainable development.
- (2) The application shall be accompanied by an applicant authorization:
 - a. The applicant must be the property owner or an authorized agent of the property owner.
 - b. 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 approval requested in the application.
 - c. 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.
 - d. In the case of a request for vacation of a right-of-way, all owners of property abutting or adjacent to the area to be vacated must join in the application.
- (3) The application shall include the following information:

- a. A legal description of the property with a signed and sealed land survey prepared by a registered land surveyor dated no more than twelve (12) months prior to the date of application submission.
- b. A detailed description and justification of the proposed request stating how the applicable land development code criteria for the request have been met.
- c. A copy of any existing approvals applicable to the property (existing PUD/PCD/PMDD, site plan, etc.)
- d. For site plans, a site plan complying with the requirements of section 13-548, "Required form and information on site plan."
- e. Any other application specific information as required by this chapter.
- (4) The applicant shall also, after development review and at least two (2) weeks prior to the planning and zoning board hearing, submit thirteen (13) identical copies of all applicable plans and backup for the application.
- (i) Completeness review.
 - (1) The department of sustainable development, or in the case of an application to dedicate or vacate an easement or buffer, the department of utilities and engineering or sustainable development, as determined by the nature of the application, must review the application for completeness.
 - (2) If the application is deemed incomplete by the reviewing department, the reviewing department will forward a notice of incompleteness to the applicant specifying the deficiencies or data missing from the application and the application will not be reviewed in whole or in part, until deemed complete except as provided herein.
 - (3) The applicant will thereafter have a period of thirty (30) days from the date of the notice of incompleteness within which to submit the required information to the reviewing department, which will then review the amended application for completeness.
 - (4) If the amended application is not received within thirty (30) days or the additional information submitted does not complete the application, the reviewing department will forward a second notice of incompleteness to the applicant specifying the data missing from the application and the application will be deemed withdrawn; or city, at its option, may elect to retain the application fees and provide the applicant with an additional period of time within which to submit any required information, not to exceed thirty (30) days unless a waiver of timeframes form, available from the department of sustainable development, has been filed with the reviewing department.
 - (5) If the request for additional information is unresponsive or generates need for more information, the reviewing department may ask for additional information not more than three (3) times total unless a waiver of timeframes form, available from the department of sustainable development, has been filed with the reviewing department.
 - (6) Prior to a third request for additional information, the reviewing department shall offer the applicant an additional meeting with staff to attempt to resolve outstanding issues.

- (7) If the applicant believes the request for additional information is not authorized by ordinance, rule, statute, or other legal authority, the reviewing department shall, at the applicant's request, process the application and evaluate based on the information submitted to that date.
- (k) Development review committee. Applications requiring review by the development review committee shall proceed as required by section 13-19, "Development review committee."
- (l) Application Review.
- (1) Meeting notice. All meetings of the development review committee, planning and zoning board and city commission shall be noticed as required by state law and the provisions of section 13-26-3, "Notice of public hearings."
- (2) Planning and zoning board review and recommendation.
- a. Review by board. Applications requiring planning and zoning board review shall be scheduled for consideration by the planning and zoning board, which shall consider the application in light of the standards established in the land development code for the type of approval requested.
- b. Applicant presentation. The applicant shall present the application proposal at the public hearing before the planning and zoning board.
- c. Recommendation by board. If required to review an application, the planning and zoning board shall review the application in accordance with this chapter and make a recommendation for consideration by the city commission.
- (3) City Commission review.
- a. City commission review. Following the review by the planning and zoning board, if applicable, the department of sustainable development shall schedule the development application on the next available city commission meeting agenda.
- b. City commission determination. The city commission shall review the application, conduct a public hearing and make a final determination pursuant to subsection (4), "Final determination," below.
- (4) Final determination.
- a. After consideration of the application and the recommendations of any reviewing agencies, staff and board, the city commission shall adopt a final development order that:
1. Makes a final determination that the application, as presented, modified or conditioned complies with the applicable requirements; and
 2. Prescribes any appropriate modifications and/or conditions, to ensure compatibility or mitigate the impacts of the proposed application and to ensure safeguards in conformity with all applicable laws; or
 3. Makes a final determination that the application fails to comply with the applicable requirements and is therefore denied.
- b. The applicant shall be provided written notice of the final decision, including the basis for the decision and, in the case of a denial, a

citation to the applicable portions of an ordinance, code section, rule, statute, or other legal authority for the denial.

c. The decision of the city commission is final and may only be appealed to circuit court pursuant to the procedures set forth in section 13-34, "Appeals."

(5) Final documentation. Final document revisions, including site plans, PCD, PUD, or PMDD development plans or any other drawings or exhibits, reflecting all development review committee comments and final city commission action shall be completed within ten (10) business days of city commission approval. Unless an extension is otherwise stipulated by the director of sustainable development, failure to complete the revisions within the established deadline will result in a delinquent fee, per week, per item of \$100.00.

(m) Approval time limitations. Unless additional time is granted at the time of approval, approvals authorized by the city commission shall expire as provided in Table 13-26-2, "Development approval duration and extensions." The duration of the approval period shall begin running the day after the effective date of the approval and shall expire if no permit has been issued for a principal building or improvement for which the approval was requested, or if all conditions and limitations of the approval have not been satisfied before the approval expires. The duration of an approval 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.

(n) Approval extensions. An extension of an approval for a variance, site plan, or special land use may be granted by the director of sustainable development in accordance with Table 13-26-2, "Development approval duration and extensions," when all applicable planning, zoning and building regulations in effect at the time of original approval remain unchanged. An extension shall only be granted when an applicant has applied for an extension during the original effective period of the approval, paid the fee established by this chapter, and the director of sustainable development has made a determination that the project is proceeding with due diligence. Only one (1) extension shall be permitted.

<u>TABLE 13-26-2</u>		
<u>Development Approval Duration and Extensions</u>		
	<u>Duration of Approval</u>	<u>Extension available</u>
<u>Variance</u>	<u>180 days</u>	<u>6 months</u>
<u>Special Land Use</u>	<u>18 months</u>	<u>12 months</u>
<u>Site Plan</u>	<u>18 months</u>	<u>12 months</u>

- (o) Effect of approval.
 - (1) Generally. An approval issued pursuant to the requirements of this chapter, 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 approval.
 - (2) Special land use. A special land use is transferrable provided the use operates in the same location and manner as approved during the original application and all conditions of the approval are met and followed. Unless otherwise specifically authorized by the city commission- issued special land use approval, should a special land use cease operation for more than 12 continuous months, any use of the same property or portion thereof shall only be one that is permitted under this chapter and any reinstatement of the special land use shall require a new application pursuant to this section. There shall be a rebuttable presumption that the abandonment period commenced upon the termination of electrical or water service for the user, whichever occurs first.
- (p) Whenever the city has taken action to reject an application, no request for the same or substantially similar application 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.
- (q) Violation of conditions. Any failure to adhere to the terms and conditions of an approval shall be considered violations of this code and may result in the revocation of the approval.

Sec. 13-27. Application Notices.

- (a) Generally. When an application for development approval is subject to a public hearing, the director of sustainable development shall ensure that the necessary public hearing is scheduled for the decision-making body reviewing the application and that proper notice of the public hearing is provided, as set forth herein.
- (b) Mailed notice.
 - (1) Where mailed notice is required, pursuant to Table 13-26-3, "Notice Requirements," it shall be provided to all property owners, including the subject property owner(s), within a five hundred foot (500') radius of the subject property. When the property fronts a right-of-way greater than one hundred feet (100'), the distance calculation along that property line shall be extended to a seven hundred foot (700') radius.
 - (2) Distances for purposes of mailed notice requirements shall be measured from the perimeter of the property subject to development approval, except that where the owner of the subject property owns contiguous property, the distance shall be measured from the perimeter of the boundary of the contiguous property.
 - (3) The applicant shall provide the city with a list of property owners, determined by the ad valorem tax records of Broward County. The list shall be certified by the county property appraiser, an abstract or title company,

surveyor, or an attorney. The list shall be updated and recertified if more than one (1) year elapses from the time of certification to the date of the hearing for which the notices will be used. Printed labels shall be provided by the applicant at the request of the director of sustainable development.

(4) The department of sustainable development shall prepare and mail the written notice.

(5) Mailed notice shall be deemed given when a notice has been properly addressed, stamped and deposited in a U.S. Postal depository, or collected by an employee of the U.S. Postal Service.

(6) Notice by mailing is a courtesy only and no action taken by the city shall be voided by the failure of any individual property owner to receive such notice.

(c) *Posted property notice.* When the provisions of this chapter require that notice be posted on the property subject to the application, the applicant shall be responsible for posting the notice on the property, as set forth below:

(1) Signs shall be placed on the property that is the subject of the application in accordance with timelines prescribed in Table 13-26-3, "Notice Requirements," in this article prior to a required or requested hearing.

(2) If the subject property fronts on more than one (1) right-of-way, then a sign shall be posted facing each right-of-way.

(3) Signs shall be placed no more than five (5) feet from the street, or if there is a sidewalk, no more than two (2) feet beyond the property side edge of the sidewalk, so that the lettering is visible from the street. These measurements may be adjusted plus or minus up to two feet (2') for flexibility to address street conditions, including landscaping and topography, provided the sign as posted is clearly visible and legible from the street.

(4) A dated photograph of all signs shall be submitted to the department of sustainable development by the applicant within twenty-four (24) hours of the sign being posted.

(5) If the sign is destroyed or removed from the property, the applicant is responsible for obtaining and posting a new sign on the property and providing a new dated photograph.

(6) The sign shall remain on the property until final disposition of the application. This shall include any deferral, rehearing, appeal, or requirement for review or hearing by another body. The sign information shall be updated to include any additional public hearings or public hearing deferrals consistent with Table 13-26-3, "Notice Requirements."

(7) If the applicant fails to submit the required photograph(s), the director of sustainable development may postpone the application until the next public hearing after the documentation has been supplied.

(8) All posted notice signs shall be removed from the property within five (5) business days from the final city action approving or denying the application.

(d) *Tenant notice.*

(1) The applicant shall ensure commercial tenants occupying properties within the same commercial property or plaza as the parcel, unit, or property under

consideration are provided notice on the same day the posted notice is placed pursuant to section 13-27(e), "Posted notice," below.

- (2) The applicant shall provide notice to commercial tenants by posting notice on the main public entrance to the tenancy.
 - (3) A dated photograph of all tenant postings shall be submitted to the department of sustainable development by the applicant within twenty-four (24) hours of the sign being posted.
 - (4) Tenant notice by posting is a courtesy only and no action taken by the city shall be voided by the failure of any individual tenant to receive such notice.
 - (5) If the applicant fails to submit the required photograph(s) of the tenant notice, the director of sustainable development may postpone the application until the next public hearing after the notice has been provided and documentation supplied.
- (e) *Published notice.* When the provisions of this chapter or state law require published notice, the director of sustainable development, shall coordinate with the city clerk department to provide that the notice:
- (1) Is published in the local newspaper of general circulation that has been selected by the city and in accordance with applicable Florida Statutes; and
 - (2) Follows the timelines and ad type established by state law.
- (f) *City hall posting.* Notice of all development applications shall be posted at city hall as part of the meeting agenda posting no later than seven (7) days prior to any public hearing related to the application. City hall posting is a courtesy only and no action taken by the city shall be voided by the failure of such notice to be posted.
- (g) *Re-noticing.* All costs of re-noticing the public hearing shall be borne by the party failing to comply with the applicable notice requirements, requesting the deferral or continuance, or whose actions are responsible for the deferral or continuance which may require re-noticing of the hearing. Continuances to a date certain, announced at the originally noticed meeting, shall not require re-notice of the new public hearing date. Continuances to unspecified dates, substantive changes to an application request during the period an application has been continued, or more than two (2) continuances on the application, shall require re-noticing for the new public hearing date.
- (h) *Applicant bears burden of costs.* When the provisions of this chapter require that notice be provided, the costs of the notice, including postage, service fees, and advertising fees shall be billed through cost recovery.
- (i) *Provisions of Florida Statutes to prevail.* Where provisions of the Florida Statutes conflict with provisions of this section, the Florida Statutes shall prevail except where this chapter contains supplementary requirements not in conflict with the Florida Statutes.

TABLE 13-26-3. Notice Requirements

<u>Application Type</u>	<u>Type of Notice provided prior to each hearing</u>
-------------------------	--

CODING: Words in *struck through* type are deletions from existing text.
 Words in *underscored* type are additions to existing text.
 A line of *** indicates existing text not shown.

	before Planning and Zoning Board and City Commission				
	<u>Mailed Notice (500 feet)</u>	<u>Posted Property Notice</u>	<u>Tenant Notice</u>	<u>Published Notice</u>	<u>City Hall Posting</u>
<u>Appeal of Administrative Decision</u>	<u>Same as required for decision under appeal</u>	<u>Same as required for decision under appeal</u>	<u>Same as required for decision under appeal</u>		<u>7 days prior to hearing</u>
<u>Comprehensive Plan Amendment (Text Amendment)</u>				<u>163.3184 Fla. Stat.</u>	<u>7 days prior to hearing</u>
<u>Land Use Plan Map Amendment</u>	<u>14 days prior to hearing</u>	<u>14 days prior to hearing</u>	<u>14 days prior to hearing</u>	<u>163.3184 Fla. Stat.</u>	<u>7 days prior to hearing</u>
<u>Land Development Code—changes to list of permitted, conditional, or prohibited uses within a zoning category</u>				<u>166.041(3)(c)2 Fla. Stat.</u>	<u>7 days prior to hearing</u>
<u>Land Development Code—All other text amendments</u>				<u>166.041 Fla. Stat.</u>	<u>7 days prior to hearing</u>
<u>Special Land Uses</u>	<u>14 days prior to hearing</u>	<u>14 days prior to hearing</u>	<u>14 days prior to hearing</u>		<u>7 days prior to hearing</u>
<u>Special Exception</u>					<u>7 days prior to hearing</u>
<u>Variance</u>	<u>14 days prior to hearing</u>	<u>14 days prior to hearing</u>	<u>14 days prior to hearing</u>		<u>7 days prior to hearing</u>
<u>Plat</u>					<u>7 days prior to hearing</u>
<u>Vacation of Public Right-of-Way</u>	<u>14 days prior to hearing</u>	<u>14 days prior to hearing</u>	<u>14 days prior to hearing</u>		<u>7 days prior to hearing</u>
<u>Dedication of Easement of Buffer</u>				<u>166.041 Fla. Stat.</u>	<u>7 days prior to hearing</u>
<u>Rezoning (Zoning map change) (City initiated - less than 10 contiguous acres)</u>	<u>30 days prior to hearing</u>	<u>14 days prior to hearing</u>	<u>14 days prior to hearing</u>	<u>166.041(3)(c)1 Fla. Stat.</u>	<u>7 days prior to hearing</u>
<u>Rezoning (Zoning map change) (City initiated -10 or more contiguous acres)</u>	<u>14 days prior to hearing</u>	<u>14 days prior to hearing</u>	<u>14 days prior to hearing</u>	<u>166.041(3)(c)2 Fla. Stat.</u>	<u>7 days prior to hearing</u>
<u>Rezoning (Zoning map change) (Owner initiated)</u>	<u>14 days prior to hearing</u>	<u>14 days prior to hearing</u>	<u>14 days prior to hearing</u>	<u>166.041(3)(a) Fla. Stat.</u>	<u>7 days prior to hearing</u>
<u>Site Plan</u>					<u>7 days prior to hearing</u>

Sec. 13-28 - 13-30. – Reserved.

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, ~~general submittal procedures for proposed land use plan map amendments~~

CODING: Words in *struck through* type are deletions from existing text.
Words in underscored type are additions to existing text.
A line of *** indicates existing text not shown.

are as follows: and be processed as provided in section 13-26, "Application review procedures," and section 13-27, "Application notices."

- ~~(1) The applicant is required to submit an amendment application to the director of sustainable development.~~
- ~~(2) The application shall include a legal description of the proposed amendment signed and sealed by a registered land surveyor in the State of Florida.~~
- ~~(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 Broward County and the State of Florida Department of Economic Opportunity.~~
- ~~(5) Additional application requirements for land use plan map amendments:
 - ~~a. Applicants shall post a four-foot by four-foot 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.~~
 - ~~b. 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. Commercial tenants occupying properties within the same commercial property or plaza as the parcel, unit, or property under consideration shall be included in the notice requirements. Proof of notice to a commercial tenant shall be done by posting notice on the main public entrance to the tenancy. A dated photograph of all postings shall be submitted to the sustainable development department by the applicant the day the notice was posted.~~
 - ~~c. The applicant shall follow all required guidelines as set forth in the application.~~~~

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 planning and zoning board and all 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 submitted to the sustainable development department. 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~~

CODING: Words in *struck through* type are deletions from existing text.
Words in underscored type are additions to existing text.
A line of *** indicates existing text not shown.

~~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.~~

(b) ~~Hearing; review by development review committee; action by planning and zoning board and city commission.~~

(1) ~~Applications for a variance approval shall be reviewed by the development review committee and shall be processed as provided in section 13-26, "Application review procedures," and section 13-27, "Application notices."~~

(2) ~~Upon completion of development review committee review, applications shall be scheduled for consideration by the planning and zoning board.~~

(3) ~~Following the planning and zoning board recommendation on the application, the application shall be forwarded to the city commission for consideration by resolution. The city commission shall consider and approve, approve with conditions, or deny the application.~~

~~(c) Additional application requirements. 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. Commercial tenants occupying properties within the same commercial property or plaza as the parcel, unit, or property under consideration shall be included in the notice requirements. Proof of notice to a commercial tenant shall be done by posting notice on the main public entrance to the tenancy. A dated photograph of all postings shall be submitted to the sustainable development department by the applicant the day the notice was posted.~~

~~(d) Standards for granting. To authorize any variance from the terms of this chapter, the planning and zoning board must formulate a recommendation and to the city commission must make a determination 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.~~

~~(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.~~

- (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 consider the variance in light of the standards set out in subsection 13-33(d), above.~~
 - (5) ~~The board may recommend approval or denial of the application 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 city commission, the 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 city commission is final and may only be appealed to circuit court pursuant to the procedures set forth in section 13-34, "Appeals."~~
- (f) *Variance time limitations.* ~~Unless additional time is granted at the time of approval, any variance authorized by the city commission which relates to a structure or 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 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 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 director of sustainable development. Only one (1) extension shall be permitted.~~

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 submitted 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 by the processing fee. The person who files the application must be the property owner or authorized agent of the owner.~~

(b) *Hearing; review by development review committee; action by planning and zoning board and city commission.*

(1) Applications for a special land use approval shall be reviewed by the development review committee and shall be processed as provided in section 13-26, "Application review procedures," and section 13-27, "Application notices."

(2) Upon completion of development review committee review, applications shall be scheduled for consideration by the planning and zoning board.

(3) Following the planning and zoning board recommendation on the application, the application shall be forwarded to the city commission for consideration by resolution. The city commission shall consider and approve, approve with conditions, or deny the application.

~~(c) *Additional application requirements.* 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. Commercial tenants occupying properties within the same commercial property or plaza as the parcel, unit, or property under consideration shall be included in the notice requirements. Proof of notice to a commercial tenant shall be done by posting notice on the main public entrance to the tenancy. A dated photograph of all postings shall be submitted to the sustainable development department by the applicant the day the notice was posted.~~

~~(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 evaluate 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 city commission, the city clerk shall send written notification of the decision to the applicant. The decision shall become 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 twelve-month extension of the special land use approval may be granted by the 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.~~

~~(8)(c)~~ *Effective approved special land use approvals.*

- (1) A special land use approval previously approved by ordinance may be amended by the city commission by resolution.
- (2) 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 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.~~

(d) Reserved.

(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.

Sec. 13-36. Zoning map amendments.

(a) *Effect.* Zoning map amendments shall be approved in accordance with the regulations and procedures in this section and section 13-26, "Application review procedures." 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 submitted digitally 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 city commission that has instructed the city manager to process a rezoning.~~
- (c) ~~Additional application requirements for zoning map amendments. 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. Commercial tenants occupying properties within the same commercial property or plaza as the parcel, unit, or property under consideration shall be included in the notice requirements. Proof of notice to a commercial tenant shall be done by posting notice on the main public entrance to the tenancy. A dated photograph of all postings shall be submitted to the sustainable development department by the applicant the day the notice was posted.~~
- (db) ~~Hearing; review by development review committee; 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 reviewed by the development review committee and shall be processed as provided in section 13-26, "Application review procedures," and section 13-27, "Application notices."~~
 - (2) ~~Public notice for the hearing shall be posted at city hall. Upon completion of development review committee review, the application shall be scheduled for consideration by the planning and zoning board.~~
 - (3) ~~The applicant shall present the rezoning map amendment proposal at a public hearing before the planning and zoning board.~~
 - (43) ~~Following the planning and zoning board recommendation 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 shall send written notification of the decision to the applicant. The decision shall become final.~~

- (ec) *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:

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 sustainable 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~~ sustainable 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~~ department of sustainable development ~~department~~.
 - (3) Applications are returned to the applicant for correction or approved as submitted.
 - (4) Following all required approvals, the director of ~~community~~ sustainable development shall authorize issuance of the building permit.
- (d) *General requirements.*
- (1) Building permits may not be issued by the director of sustainable development ~~services~~ for any applicable purpose except when in conformance with the regulations of this chapter and the Florida Building Code.

- (4) Building permits issued on the basis of plans and specifications approved by the department of ~~community~~ sustainable 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~~ sustainable 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.

Sec. 13-42. Transactions involving the city's interests in real property.

- (c) *Other real property transactions (platted right-of-way interests; easements/buffers).* When the city commission accepts or disposes of its legal interest in land that amounts to less than fee simple title, it may do so by resolution unless otherwise required herein.

- (2) *Easements/buffers.* An application to dedicate or vacate an easement or buffer in favor of the city must be submitted by the owner of the property then subject to the easement or buffer, or owner of the property proposed to be dedicated, or their designated agent, or may be initiated by the city. ~~The application must be accompanied by a legal description of the property which is the subject of the proposed dedication or vacation with a signed and sealed land survey prepared by a registered land surveyor in the state. The application must also include a detailed description of and justification for the proposed dedication or vacation.~~ Upon receipt of an application, together with payment of the application fees established by the city, the department of utilities and engineering or sustainable development, as determined by the nature of the application, must review same for completeness as provided in section 13-26, "Application review procedures." ~~If the application is deemed incomplete by the designated city department, such department will forward a notice of incompleteness to the applicant specifying the deficiencies or data missing from the application. The applicant will thereafter have a period of thirty (30) days from the date of the notice of incompleteness within which to submit the required information to the department which will then review the amended application for completeness. If the amended application is not received within thirty (30) days or the additional information submitted does not complete the application, the reviewing department will forward a second notice of incompleteness to the applicant specifying the data missing from the application and refund the initial application fee to the applicant and the application will be deemed withdrawn; or, city at its option, may elect to retain the application fees and provide the applicant with an additional period of time within which to submit any required information. Once deemed complete, the designated city department will forward said application for action as follows:~~

- (3) *Vacation of platted public right-of-way.* The city commission may vacate platted public rights-of-way by approving a resolution authorizing such vacation.
 - a. *Application.* ~~All applications to the city for vacation of streets, alleyways, roads, or public land, together with payment of all application fees established by the city, must be submitted to the~~

~~department of sustainable development. All owners of property abutting or adjacent to the area to be vacated must join in the application. The application must be accompanied by a legal description of the property proposed for vacation and a signed and sealed land survey prepared by a registered land surveyor in the state. The application must also include a detailed description of and justification for the proposed vacation. The department of sustainable development will review the application for completeness. If the application is deemed incomplete by the department, it will forward a notice of incompleteness to the applicant specifying the deficiencies or data missing from the application. The applicant will thereafter have a period of thirty (30) days from the date of the notice of incompleteness within which to submit the required information to the department which will then review the amended application for completeness. If the amended application is not received within thirty (30) days or the additional information submitted does not complete the application, the department will forward a second notice of incompleteness to the applicant specifying the data missing from the application and refund the initial application fee to the applicant and the application will be deemed withdrawn; or city at its option, may elect to retain the application fees and provide the applicant with an additional period of time within which to submit any required information.~~

b. ~~*Additional application requirements.* Applicants must post a four-foot by four-foot (4' x 4') sign identifying the property proposed for vacation no less than fourteen (14) days prior to the city commission public hearing. The sign must be placed on an applicant's property adjacent to and facing the right-of-way to be vacated and setback five (5) feet from the applicant's property line. A dated photograph of all signs must be submitted to the sustainable development department by the applicant the day the sign is posted. The applicant must 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 must be certified by the county property appraiser, an abstract or title company, or a Florida licensed attorney. Commercial tenants occupying properties within a commercial property or plaza adjacent to the property to be vacated must be included in the notice requirements. Proof of notice to a commercial tenant must be done by posting notice on the main public entrance to the commercial property or plaza. A dated photograph of all postings must be submitted to the sustainable development department by the applicant the day the notice was posted.~~

c.a. ~~*Review. Hearing; review by development review committee (DRC); action by planning and zoning board and city commission.* Once the application is deemed complete, the application will proceed as follows:~~

1. The application and supporting materials will be forwarded to members of the DRC for review and comment and shall be processed as provided here and in section 13-26, "Application review procedures," and section 13-27, "Application notices."
 2. After any DRC comments have been addressed, the planning and zoning board will hold a public hearing and will evaluate the request based on the criteria herein and will make appropriate recommendations regarding access, public interest, and general obligations or release of such obligations to the city commission.
 3. The city commission will consider the reports and recommendations pursuant to this section, and after a quasi-judicial public hearing, either approve, approve with modifications, or deny the application.
- db. *Criteria.* The planning and zoning board and city commission will evaluate the vacation request from the standpoint of the need of the community as a whole, and must consider:
1. Access and whether the vacation will affect the ownership or right of convenient access of persons owning other properties in the subdivision or community, including, but not limited to, traffic circulation, delivery of emergency and municipal services, and pedestrian and bicycle safety;
 2. Public interest and general public benefits of the right-of-way as part of the City's roadway system now or in the future; and
 3. General reasons and benefits presented by the applicant, including cost-savings to the city, if any, as a result of the vacation and any mitigation plan proposed by the applicant to offset any potential impacts.

Sec. 13-81. Development application fees.

The fees for development and/or subdivision approval are exclusive of any requirements for performance and maintenance guarantees, bonds, provisions of a developer agreement, building, engineering and inspection fees and other permits. Lands offered for public dedication, excluding rights-of-way, are excluded from fee computations. No fees shall be charged for development applications associated with public land plats submitted by any governmental unit. Development application fees are as follows:

(2) *Development of regional impact.*

- a. Processing including development orders. The director of sustainable development services shall determine any additional expenses reasonably incurred for the cost of processing the application for development approval,

sufficiency, response and development order, (minimum fee) per application 7,500.00

- b. Development of regional impact modification:
 - 1. Substantial (minimum fee) 4,500.00
 - 2. Not substantial (minimum fee) 3,500.00
 - 3. Extension* and/or rescission (minimum fee) 2,000.00

* Pursuant to Chapter 2009-96, Laws of Florida.

(7) *Site plans (fees include preliminary engineering fees).*

- a. Minimum fee 2,000.00
- b. Planned Unit Development (PUD) and Planned Commerce Development (PCD) site plan (minimum fee) 2,000.00
- c. Planned MainStreet Development District (PMDD) rezoning site plan (minimum fee) 3,000.00
- d. All site plan applications, add \$100.00 per acre for each area over 10 acres.
- e. Site plan modifications requiring administrative approval 1,000.00
- f. Site plan modifications (non-administrative) same as original fee.
- g. Site plan approval 12-month extension 1,000.00*

* Pursuant to Chapter 2009-96, Laws of Florida, a 24-month extension may be requested under this category for eligible projects.

(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 sustainable development services. Additional review fee shall be based on number of disciplines reviewing the application and shall not exceed the original application cost.

- e. ~~Final site plan revisions to be completed within seven (7) days of city commission approval. Failure to complete will result in a delinquent fee, per week, per item of (unless otherwise stipulated by staff) 100.00~~

Sec. 13-83. Application fees, miscellaneous service charges.

(5) *Miscellaneous fees (all categories):*

- a. Special inspectors fee (board of rules and appeals) per \$1,000 of estimated construction cost for each required permit (permits where fees are waived, are not exempt from this fee) 0.52, minimum 2.00

- b. Building Code Administrators and Inspectors Fund - surcharge to be assessed pursuant to § 125.56(4) or § 166.201 at the rate of 1.0 percent of all permit fees associated with enforcement of the Florida Building Code for ~~Department of Community Affairs.~~

The minimum fee collected on any permit will be 2.00

- c. Building Code Administrators and Inspectors Fund - surcharge to be assessed pursuant to § 125.56(4) or § 166.201 at the rate of 1.5 percent of all permit fees associated with enforcement of the Florida Building Code for Department of Business and Professional Regulation

The minimum fee collected on any permit will be 2.00

- d. Training and continuing education fees, \$0.02 per \$100.00 of total construction cost.

All fees paid shall be reserved for training and continuing education for employees in the department of sustainable development services ~~department~~, which will include any materials, equipment, training, costs paid for recertification, including code books, manuals, conferences, seminars and all related expenses).

- n. Exemptions:

- 1. After recommendation from the building official and/or the director of sustainable development services ~~director~~ for building, planning fees and engineering fees, the city commission may grant an exemption from the strict requirements of the fees contained herein, based only upon emergency, special or unusual conditions that adversely impact the public health, safety and welfare of the city. (Fees over \$1,000.00)

Sec. 13-116. Independent impact analysis.

A developer may choose to use an independent impact analysis to compute the impact fee due as a result of a development. The director of sustainable development services ~~director~~ shall have the authority to approve or disapprove the person who prepares the ~~draft~~ independent impact analysis on the basis of the person's professional training and experience in preparing development impact analyses. The developer shall be responsible for the preparation of the independent impact analysis which shall be reviewed by the department of sustainable development services ~~department~~ and forwarded to the planning and zoning board and city commission for review and consideration. The requirement to pay the housing impact fee may be adjusted or waived if the developer demonstrates by substantial, competent evidence, that an insufficient nexus exists between the proposed use and the housing impact fee.

ARTICLE II. SUBDIVISION REGULATIONS

DIVISION 1. GENERALLY

Sec. 13-137. Definitions.

The following words, terms and phrases, when used in this article, shall have meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Engineering plan, preliminary means a conceptual engineering plan, in lesser detail than a final engineering plan, for consideration and approval by the city engineer, prior to the site plan approval by the city commission ~~planning and zoning board~~.

Sec. 13-140. Consistency and concurrency determination standards; consistency with city/county comprehensive plan.

(b) *Definitions relating to plan implementation.*

(14) *Development.* The term "development" means:

c. The following operations or uses shall not be taken for the purpose of this chapter to involve "development" as defined herein:

8. The creation or termination of rights of access, ~~aparian~~ riparian rights, easements, covenants concerning development of land, or other rights of land.

(15) *Development order* means any order, ordinance, resolution, or administrative approval issued pursuant to this chapter, granting, denying, or granting with conditions, an application for a development permit.

(16) *Development permit* includes any building permit, zoning ~~permit~~ certificate, plat approval, or rezoning, certification, variance, or other action having the effect of permitting development.

(46) *State land planning agency* means the Agency or Department of Community Affairs may be referred to in this part as "DCA". designated as the State Land Planning Agency by the State of Florida.

(c) *Determining consistency with the city/county comprehensive plan.* If a development proposal is found to meet all the requirements of Chapter 13, City of Coconut Creek Code of Ordinances entitled "Land Development Code," it shall be presumed to be consistent with the comprehensive plan in all respects except for compliance with the concurrency requirement. The land development code shall be amended from time to time to implement the effective comprehensive plan. The director of ~~community~~ sustainable development, other public official or any citizen may, however, question the consistency of a development proposal with the comprehensive plan. If a question of consistency is raised, the director of ~~community~~ sustainable development, with a technical evaluation from the ~~city engineer~~ director of utilities and engineering, ~~community services~~ director and/or finance and administrative services director, shall make a determination of consistency or inconsistency and support that determination with written findings. If an appeal is made of findings, the city manager may review the determination and render a decision. An appeal after the city manager shall be in accordance with section 13-34, "Administrative appeals," of the City of Coconut Creek Code of Ordinances.

(g) *Burden of showing compliance on developer.* The burden of showing compliance with these levels of service requirements shall be upon the developer. In order to be approvable, applications for development approval shall provide sufficient and verifiable information showing compliance with these standards. The ~~community~~ department of sustainable development ~~department~~ shall supply concurrency management forms to be completed by the developer.

(h) *Concurrency monitoring system.*

(1) *Responsibility.* The director of ~~community~~ sustainable development, through his duties and authority of chairman of the development review committee, shall be responsible for monitoring development activity to ensure the development is consistent with the City of Coconut Creek Comprehensive Plan. A concurrency monitoring system is instituted to verify that public facilities and services will be available at adopted levels of service concurrent with the impacts of the development on those prescribed facility or service standards.

(2) *Development review committee.* Applications shall be submitted for all development permits to the ~~community~~ department of sustainable development ~~department~~ and development review committee (DRC) as noted in sections 13-18 through 13-36. Processing shall be in accordance with regularly scheduled meetings of the DRC, planning and zoning board and city commission. The ~~community~~ department of sustainable development ~~department~~ shall act as the monitoring entity of the city's comprehensive plan.

(3) *Required information.* At every stage of the development process (including but not limited to development of regional impact applications for development approval, land use plan amendments, rezonings, plats, minor plat resurveys, site plans, final engineering, and building permits) the

developer shall provide the required information of their project to the appropriate city department for review and verification. All concurrency monitoring forms shall be forwarded to and collated by the ~~community department of sustainable development department~~ community department of sustainable development department for determination of comprehensive plan compliance. The ~~community department of sustainable development department~~ shall provide to the developer a comprehensive plan concurrency monitoring system, including a matrix of required submittals based on the specific chronologic stage of the development in process and the subject level of service standard, a glossary of concurrency related terminology, a standard concurrency monitoring form and other material as may be amended from time to time to verify and monitor concurrency.

- (4) *Concurrency rights and effective period.* Compliance will be calculated and capacity reserved at time of final action of an approved site plan or enforceable developers agreement for those concurrency matters within the authority of the City of Coconut Creek. Applications for development approval shall be chronologically logged to determine rights to available capacity.

The concurrency time limit for plats after October 1, 1989 will be five (5) years for water, sewer, roadways, drainage, and solid waste. Developers agreements as described in Chapter 163.3220 shall offer a valid concurrency period for five (5) years or as modified by the "Florida Local Government Development Agreement Act." Site plans or master plans must be submitted for approved plats within two (2) years of plat approval and the effective time limit for concurrency determinations for site plans will be two (2) years. An extension of one (1) year may be issued by administrative approval. At each annual renewal of public performance bonds, the city shall make a determination if the bonds shall be drawn upon for construction. Recreation concurrency shall be in effect forever. Building and engineering permits will have a concurrency time limit of one hundred eighty (180) days with renewals of one hundred eighty (180) days as long as construction and inspections continues.

- (7) *Intergovernmental coordination.* The ~~community department of sustainable development department~~ shall coordinate concurrency activities within and outside the city. The ~~community department of sustainable development department~~, public works department, ~~community services department~~ utilities and engineering department, finance and administrative services, police, and public safety fire, shall act as liaisons depending on the specific level of service standard with the South Florida Regional Planning Council, Broward County and/or any other municipality or governmental entity to review technical issues of development approval.

DIVISION 2. SUBDIVISION PLAT REQUIREMENTS

Sec. 13-162. Review procedures.

- (a) *Preplan review.* The applicant may review the proposed subdivision plat with the director 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 department of sustainable development. The director 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 department of sustainable development shall prepare comments to be distributed to the applicant in a meeting of the development review committee in conformance with section 13-18.~~
- (c) ~~*Review and recommendation by development review committee.* The application shall be reviewed by the development review committee and shall be processed as provided in section 13-26, "Application review procedures," and section 13-27, "Application notices."~~
- (1) ~~Committee members responsible for development application review shall submit written recommendations to the director of sustainable development according to the review schedule established by the city manager 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 director of sustainable development, city engineer, and the applicant. Required revisions and other information required by the director of sustainable development 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 planning and zoning board 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 planning and zoning 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 zoning board review.* The planning and zoning board shall review subdivision plat applications.
- (e) *City commission review.* The city commission shall, by resolution, review and approve or deny subdivision plat applications.
- (f) A plat approval previously approved by ordinance may be amended by the city commission by resolution.

Sec. 13-163. Sketch plats.

- (a) Sketch plats may be submitted for informal review between the developer, city engineer, director of ~~community~~ sustainable development and development review committee. Submissions of a sketch plat shall not constitute formal filing of a plat to be reviewed by the planning and zoning board and/or city commission.

Sec. 13-164. Preliminary plats.

- (b) The preliminary plat shall be submitted by the developer to the ~~community department of sustainable development department~~ for processing and agendizing for planning and zoning board consideration. The planning and zoning board shall conduct a public hearing during their meeting. The planning and zoning board shall recommend approval to the city commission, approval with condition(s) or disapproval of the preliminary plat.

Sec. 13-164.1. Plat improvements engineering plan.

- (a) A plat improvements engineering plan shall be submitted with the preliminary plat application to the department of sustainable development for review and approval. If the plat improvements engineering plan is not approved by the 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 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 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, “Required.”

Sec. 13-166. Final plat acceptance.

- (a) Upon verification by the development review committee and the city engineer that the final plat conforms or shall conform to the requirements of section 13-165, “Final plat submission,” all required copies of the final plat shall be transmitted to the director of sustainable development ~~services~~. The director of sustainable development ~~services~~ shall transmit the final plat to the city commission together with a written report describing action of the planning and zoning board, a report from the city engineer and a report from the director of sustainable development ~~services~~.
- ~~(b) The city commission shall approve, approve with conditions or disapprove the final plat within sixty (60) days after the plat is agendized for approval. The conditions~~

~~of approval or the grounds for disapproval of a final plat shall be stated in the minutes of the city commission meeting. The city commission final approval shall take the form of an ordinance which incorporates by reference the conditions for plat approval, as required by the commission, or as required by the Coconut Creek Code of Ordinances. Broward County platting subdivision requirements are also binding upon the subject property. The passage of an ordinance accepting the final plat shall constitute final city approval for the platting of the area. The city commission shall consider such ordinance at a public hearing called for that purpose. Such ordinance shall, at least ten (10) days prior to passage, be noticed once in a newspaper of general circulation. The notice shall state the date, time, and place of the meeting; the title of the proposed ordinance and the place within the city where such proposed ordinance may be inspected by the public. The notice shall also advise that interested parties may appear at the meeting and be heard with respect to the proposed ordinance.~~

- (e) After city commission approval, the city engineer and director of sustainable development services shall thereafter return the final plat and plans with the letters required by county ordinance to the developer who, in turn, shall forward the plat to the appropriate county agency for approval and recordation. It is the responsibility of the developer to process the plat through the Broward County plat recordation procedure. The city engineer shall withhold his seal and signature on the plat until all the requirements of sections 13-164.1, 13-165, 13-186(a)(b)(d) and this section 13-166 have been fully met. One (1) mylar set of the plat shall be submitted to the city engineer after plat recordation within fifteen (15) days.

DIVISION 3. PUBLIC IMPROVEMENT BONDS

Sec. 13-186. Required.

- (e) All bonds except recreation bonds shall be approved as to form by the city attorney and as to dollar amount by the city engineer. Recreation bonds shall be approved as to form by the city attorney and as to dollar amount by the director of community sustainable development. Either may require such terms or conditions as deemed necessary for the protection of the city. The bond shall guarantee the completion of all stipulated improvements required under this division.

ARTICLE III. ZONING REGULATIONS

Sec. 13-294. General rules of interpretation.

Certain terms used in this article have been defined in this section. In the absence of definitions, the standard dictionary meaning shall be utilized. In any event, the director of ~~community~~ sustainable development shall have the right to interpret the terms contained in this article. In construing the meaning of this article, the following rules shall apply:

Sec. 13-295. Definitions.

Model home or unit means a residential structure open to the public for inspection, for demonstration and sales, but not occupied as a dwelling unit. Plumbing and other apparatus may or may not be connected. A permanent certificate of occupancy will not be issued by the director of ~~community~~ sustainable development for such model home or unit as long as it is used for model purposes.

Sec. 13-319. Zoning overlay areas.

(a) *Intent.* The intent of a zoning overlay areas are to note a specific area of the city where circumstances or conditions of location, use or special interest require unique or enhanced land development standards to promote the orderly development, redevelopment and use of the area. Overlay areas may be used to implement goals, objectives and policies of the comprehensive plan or studies.

Overlay areas do not change the effective land use plan or map or the ~~official existing~~ existing zoning district ~~or and may be shown on the official zoning map.~~ However, land development regulations may be modified or special conditions of approval may be included within the area to further the special intent of the overlay area. Examples of a zoning overlay area may include but not limited to:

- (1) An environmental corridor or section.
- (2) An urban redevelopment area.
- (3) An important roadway landscape corridor.
- (4) A rural preservation sector.
- (5) A special utility area such as well fields, major electric transmission pathways, resource recovery and landfill areas, etc.

(b) *Implementation.* The zoning overlay area shall be designated on the zoning map in the following manner. The designation may be assigned by the city commission by ~~resolution or ordinance as determined by the specific regulations germane to the implementation of the overlay area~~ following the procedures outlined in section 13-36, "Zoning map amendments," section 13-26, "Application review procedures," and 13-27, "Application notices." A zoning overlay area may be rescinded by the city commission ~~by a similar method used in enactment~~ if the special intent of the area is no longer valid. The area shall be shown on the zoning map as notes below:

eg.	IO-1	(SU)
-----	------	------

	Effective zoning district	Overlay area
--	---------------------------	--------------

Sec. 13-320. Green building construction.

(e) *Alternatives.*

- (4) Proof of certification must be provided to the department of sustainable development services department no later than eighteen (18) months from final building certificate of occupancy.

DIVISION 3. ZONING DISTRICT REGULATIONS AND TABLES

Sec. 13-331. General provisions.

(d) *Commercial and industrial district.*

- (8) No merchandise, products, waste, or equipment, shall be stored or displayed out of doors except where buildings, fences and/or landscape material, approved during site plan review by the ~~planning and zoning board~~ city commission, completely screens such uses from thoroughfares and adjacent property. Motor vehicles under four thousand (4,000) pounds in weight which are for sale or lease may be stored or displayed out of doors in areas screened and landscaped pursuant to the requirements applicable to off-street parking.

Sec. 13-340. MH-1 mobile home park district.

- (e) *Limitations and special requirements.* No permit for the construction of a mobile home park shall be issued by the department of sustainable community development ~~department~~ unless the land area to be developed has been subdivided by a recorded plat. For the purpose of this district, the plat may contain private streets not less than fifty (50) feet in width and an easement for utility purposes shall be dedicated on all private streets. Mobile homes may not encroach upon roadway easements.

Sec. 13-349. Rezoning of land to PUD.

- (a) *Application.* Applications for rezoning of land to planned unit development shall proceed in general as other applications for rezoning of land.
- (b) ~~*Prehearing conferences.* Upon request by the applicant, representatives of the sustainable development department shall meet with the applicant to review the proposed PUD preliminary rezoning development plan. The purpose of prehearing conferences shall be to provide information to assist the applicant in interpreting the planned unit development zoning requirements. Prehearing conferences shall continue until the applicant has a complete planned unit development rezoning plan ready for submission with a rezoning application. The PUD preliminary rezoning development plan shall include the following:~~
 - (1) A boundary map of the proposed PUD;
 - (2) The proposed pattern of land use;
 - (3) The proposed number and type of dwelling units and densities. The proposed development type module shall be specific to include high rise, low rise, townhouse, garden apartment, standard single family zero lot line, single-family cluster including density ranges and minimum lot sizes;
 - (4) Proposed streets and circulation and whether public or private maintained and/or proposed as a secure gated project;
 - (5) Proposed open spaces;
 - (6) An outline of the petition for rezoning;
 - (7) Other plans, maps and documents deemed necessary for prehearing conferences.
- (b) *Hearing; review by development review committee; action by planning and zoning board and city commission.*
 - (1) Applications for rezoning of land to a PUD shall be processed in accordance with section 13-36, "Zoning map amendments," section 13-26, "Application review procedures," and section 13-27, "Application notices."
 - (2) Applications for a PUD approval shall be reviewed by the development review committee.
 - (3) Upon completion of development review committee review, applications shall be scheduled for consideration by the planning and zoning board.
 - (4) Following the planning and zoning board recommendation on the application, the application shall be forwarded to the city commission for consideration by ordinance. The city commission shall consider and approve, approve with conditions, or deny the application.
 - (5) The ordinance enacting planned unit development zoning shall specifically incorporate the planned unit development zoning plan, which shall consist of submissions required in subsections a. through j. of the application as listed in section 13-350(2), "Planned unit development zoning plan and supporting information."

- (d) ~~Public hearing.~~ At such time as further prehearing conferences appear unnecessary, the applicant may present a formal petition for planned unit development zoning as set forth in this section. The petition shall be accompanied by the materials set forth in section 13-350. A public hearing date shall be established for the next regularly scheduled planning and zoning board meetings. Thereafter, public notice shall be given and a public hearing before the planning and zoning board on the petition for rezoning shall be held in the same manner as for other applications for rezoning.
- (ed) PUD rezoning criteria. ~~Planning and zoning board findings and recommendations.~~ After the close of the public hearing, the planning and zoning board may recommend to the city commission that the PUD rezoning be granted as submitted, granted subject to stated stipulations and conditions, or denied. In making its recommendation, the planning and zoning board or granting an approval or approval with conditions, the reviewing body shall find that the plans, maps, and documents submitted by the applicant and presented at the public hearing do or do not establish that:
- (1) the applicant has met the requirements of this article, and
 - (2) the proposed development would or would not promote the public health, safety and welfare.
- (f) ~~City commission action.~~ Upon receipt of the planning and zoning board recommendation, the city commission shall act in accordance with the procedures for rezoning generally. The city commission shall, after due consideration, enact or deny planned unit development zoning for the subject property. The ordinance enacting planned unit development zoning shall specifically incorporate the planned unit development zoning plan which shall consist of submissions a. through j. of the applicant as listed in section 13-350(2). Upon receipt of the planning and zoning board recommendation, the city commission shall act in accordance with the procedures for rezoning generally.
- (ge) Effect of planned unit development zoning. Subsequent to the enactment of planned unit development zoning, development of all or a portion of the planned unit development shall proceed in accordance with the site plan review and subdivision approval provisions of this chapter. Site plan approval and subdivision approval shall be granted only for developments which conform to the submissions incorporated into the PUD ordinance in accordance with subsection (f) of this section, except that the provisions of subsection (c) of this section shall apply.
- (h) Applications for amendments to the PUD requiring action by the planning and zoning board and the city commission shall pay the required fee set forth in section 13-81. Applicants shall be required to prepare and post a four foot by four foot (4' x 4') sign on the property proposed for amendment. The required format for 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 amendment facing all road frontages setback ten (10) feet from the property line.
- Signs shall be posted on the property proposed for amendment facing all road frontages setback ten (10) feet from the property line. A dated photograph of all signs shall be submitted to the development department by the applicant.

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. Commercial tenants occupying properties within the same commercial property or plaza as the parcel, unit, or property under consideration shall be included in the notice requirements. Proof of notice to a commercial tenant shall be done by posting notice on the main public entrance to the tenancy. A dated photograph of all postings shall be submitted to the sustainable development department by the applicant the day the notice was posted.

Sec. 13-355. PCD, planned commerce district—Generally.

(b) *Definitions.* Definitions that apply to the planned commerce district are as follows:

(3) *Planned commerce district (PCD)* means land under unified control, planned and developed as a whole in a single development operation or an approved programmed series of development operations for nonresidential activities including office, commercial, industrial and mixed use commerce/employment center uses.

d. A PCD rezoning development plan shall mean a document adopted as part of the rezoning to PCD that is consistent with the information requirements listed in section 13-357(1) and (2) of this division. ~~This document shall be processed with the rezoning application and presented to the planning and zoning board for recommendation to the city commission.~~

(4) ~~A land~~ Land use module concept plan means a document specifying the use of individual land use modules of an approved planned commerce district indicating proposed accessways; open space; proposed uses and acreages; proposed engineering, landscaping, buffers and easements; and other information as requested by the development review committee.

(5) ~~A master~~ Master site plan means a site plan for a parcel or parcels within an approved land use module concept plan that is consistent with the approved PCD and the informational requirements of the article III, "Zoning Regulations," division 5, "Site Plan Review Requirements."

(c) *Permitted uses:*

- (1) ~~Maximum intensity in PCD: The maximum intensity of nonresidential buildings per acre permitted within any proposed PCD shall not exceed the combined intensity recommendations of the Coconut Creek Comprehensive Plan and the Broward County Comprehensive Plan over the area where a particular PCD is proposed. Intensity calculations shall include all land within the proposed PCD designated for nonresidential use by the land use element of the comprehensive plan. Traffic generation shall be based on specific land use.~~
- (21) Sustainable development staff shall review commercial, industrial, office and mixed-use commerce/employment center as listed in article III “Zoning Regulations;” division 8, “Master Business List;” and division 9, “Prohibited Uses.”
- (32) Special land uses: Uses listed as special land uses shall be reviewed using the procedures set forth in section 13-35, as may be amended from time to time.
- (43) Existing PCD zoning districts: All PCD zoning districts in effect on the effective date of this ordinance shall retain their permitted uses and have such additional religious assembly and religious institutional uses which are dictated by the zoning district table detailed in division 8, "Master Business List," that most closely matches the similar type of permitted uses described in the specified location within the PCD. Special land uses shall be reviewed using the procedures set forth in section 13-35, “Special land use.” as may be amended from time to time. Nothing herein grants further permitted uses to such districts.
- (d) *Development regulations:* The following development regulations shall apply within a planned commerce district but may be waived by the commission as part of the rezoning approval upon a finding by the city commission that the proposed development regulation standards, when considered collectively, create a rezoning development plan that provides harmony and compatibility with the adjacent neighborhoods and enhanced design:
- (1) Minimum size of a planned commerce district: ten (10) acres of contiguous land.
- (2) Site regulations:
- a. Maximum building coverage:
 1. Commercial and office use: Forty (40) percent.
 2. Mixed use commerce/employment center and industrial: Forty-five (45) percent.
 - b. Minimum size for a master site plan: Five (5) acres of contiguous land.
 - c. Minimum distance between buildings: Ten (10) feet per story.
 - d. Maximum floor area ratio shall be determined by the PCD rezoning development plan.
 - e. Maximum intensity in PCD: The maximum intensity of nonresidential buildings per acre permitted within any proposed PCD shall not exceed the combined intensity recommendations of the Coconut Creek Comprehensive Plan and the Broward County

Comprehensive Plan over the area where a particular PCD is proposed. Intensity calculations shall include all land within the proposed PCD designated for nonresidential use by the land use element of the comprehensive plan.

f. Traffic generation shall be based on specific land use.

(e) *Maintenance of common open space.* All privately owned common open space shall conform to its intended purpose and remain as shown in the PCD rezoning development plan. Deed restrictions and/or covenants shall govern the maintenance of privately owned common open space. Such restrictions and covenants shall provide for privately owned common open space to be maintained by private property owners with an interest in such open space. Required maintenance standards and/or maintenance activities shall be included in the deed restrictions and/or covenants. The ~~added~~ deed restrictions and/or covenants shall provide for the city to assess private property owners with an interest in common open space for the cost of maintenance if inadequate private maintenance results in a public nuisance. Deed restrictions and covenants shall run with the land and be for the benefit of present as well as future property owners.

Sec. 13-356. Same—Rezoning of land to PCD.

(a) *Application.* Applications for rezoning of land to planned commerce district shall proceed in general as other applications for rezoning of land.

~~(b) *Prehearing conferences.* Upon request by the applicant, representatives of the community development department shall meet with the applicant to review the proposed PCD preliminary development plan. The purpose of prehearing conferences shall be to provide information to assist the applicant in interpreting the planned commerce district zoning requirements. Prehearing conferences shall continue until the applicant has a complete planned commerce district rezoning development plan ready for submission with a rezoning application. The PCD preliminary development plan shall include the following prior to scheduling a prehearing conference:~~

- ~~(1) A boundary map of the proposed PCD.~~
- ~~(2) The proposed pattern of land use.~~
- ~~(3) The proposed square footage and type of land use module.~~
- ~~(4) Proposed streets and circulation.~~
- ~~(5) Proposed open spaces.~~
- ~~(6) An outline of the petition for rezoning.~~
- ~~(7) Other plans, maps and documents deemed necessary for prehearing conferences.~~

(b) *Hearing; review by development review committee; action by planning and zoning board and city commission.*

- (1) Applications for rezoning of land to a PCD shall be processed in accordance with section 13-36, "Zoning map amendments," section 13-26, "Application review procedures," and section 13-27, "Application notices."
- (2) Applications for a PCD approval shall be reviewed by the development review committee.
- (3) Upon completion of development review committee review, applications shall be scheduled for consideration by the planning and zoning board.
- (4) Following the planning and zoning board recommendation on the application, the application shall be forwarded to the city commission for consideration by ordinance. The city commission shall consider and approve, approve with conditions, or deny the application.
- (5) The ordinance enacting planned commerce district zoning shall specifically incorporate the planned commerce district zoning plan which shall consist of submissions required in subsections a. through i. of the application as listed in section 13-357(2), "Planned commerce district zoning plan and supporting information."

- (d) ~~Public hearing. At such time as further prehearing conferences appear unnecessary, the applicant may present a formal petition for planned commerce district zoning as set forth in this section. The petition shall be accompanied by the materials set forth in section 13-357 of this article. A public hearing date shall be established for the next regularly scheduled planning and zoning board meeting. Thereafter, public notice shall be given and a public hearing before the city commission on the petition for rezoning shall be held in the same manner as for other applications for zoning.~~
- (ed) PCD Rezoning Criteria. Planning and zoning board findings and recommendations. ~~After the close of the public hearing, the planning and zoning board may recommend to the city commission that the PCD rezoning be granted as submitted, granted subject to stated stipulations and conditions, or denied. In making its recommendations, the planning and zoning board or granting an approval, or approval with conditions, the reviewing body shall find that the plans, maps and documents submitted by the applicant and presented at the public hearing do or do not establish that:~~
- (1) The applicant has met the requirements of this article; and
 - (2) The proposed development would or would not promote the public health, safety and welfare.
- (f) ~~City commission action. Upon receipt of the planning and zoning board recommendation, the city commission shall act in accordance with the procedures for rezoning generally. The city commission shall, after due consideration, enact or deny planned commerce district zoning for the subject property. The ordinance enacting planned commerce district zoning shall specifically incorporate the planned commerce district zoning plan which shall consist of submissions a. through i. of the application as listed in section 13-357(2).~~
- (ge) Effect of planned commerce district zoning. ~~Subsequent to the enactment of planned commerce district zoning, development of all or a portion of the planned~~

commerce district shall proceed in accordance with the site plan review and subdivision approval provisions of this chapter. Site plan approval and subdivision approval shall be granted only for developments which conform to the submissions incorporated into the PCD ordinance in accordance with ~~subsection (f) of this section~~, except that the provisions of subsection (c) of this section shall apply.

- (h) ~~Applications for rezoning to PCD or for amendments to an existing PCD requiring action by the planning and zoning board and the city commission shall pay the required fee set forth in section 13-81. Applicants shall be required to prepare and post a four-foot by four-foot (4' x 4') sign on the property proposed for amendment. The required format for 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. Signs shall be posted on the property proposed for amendment facing all road frontages setback ten (10) feet from the property line. A dated photograph of all signs shall be submitted to the development services department by the applicant. The applicant shall 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. Commercial tenants occupying properties within the same commercial property or plaza as the parcel, unit, or property under consideration shall be included in the notice requirements. Proof of notice to a commercial tenant shall be done by posting notice on the main public entrance to the tenancy. A dated photograph of all postings shall be submitted to the sustainable development department by the applicant the day the notice was posted.~~

Sec. 13-361. MainStreet RAC Design Standards adopted.

- (a) *Generally.* The City of Coconut Creek adopted "MainStreet Project Area Design Standards," now known as "RAC Design Standards" created by the city's consultant, Zyscovich, Inc., dated December 9, 2004, and amended November 13, 2008, which are available in the ~~office of the city clerk~~ department. These standards are to be the basis of review for any new development in the area and for any modification to, or reconstruction of, existing buildings or uses.

Sec. 13-362. MainStreet RAC Entertainment Regulations.

- (d) *Application required.*
 - (1) Outdoor dining and outdoor cafes shall comply with application requirements of section 13-380, "Outdoor dining and outdoor cafes."

- (2) A MainStreet promotional activity permit application shall be submitted to the department of sustainable development department. The following shall be submitted with the application:
 - a. Application fee of fifty dollars (\$50.00).
 - b. Written approval from the property management company or property owner.
 - c. A site plan or drawing to scale depicting the area of activity including the location of signage and/or banners.
 - d. If applicable, signage and/or banner drawing illustrating text and colors.
- (3) The director of sustainable development ~~director~~ may place additional restrictions on applications if deemed necessary for public safety and welfare.
- (4) The director of sustainable development ~~director~~ may revoke, suspend, or deny an application if applicable state and county licenses have not been obtained or have expired, public health concerns arise, or if applicant has failed to comply with the regulations of this section.

Sec. 13-364. Planned MainStreet Development District (PMDD).

- (a) The Planned MainStreet Development District (PMDD) is intended to promote development projects as comprehensively planned design districts that encourage coordinated development upon land suitable in size, location and character within the MainStreet Project Area. PMDD development plans must demonstrate consistency with the MainStreet Design Standards.
- (b) Hearing; review by development review committee; action by planning and zoning board and city commission.
 - (1) Applications for rezoning of land to a PMDD shall comply with all aspects of the MainStreet Design Standards and shall be processed in accordance with section 13-36, "Zoning map amendments," section 13-26, "Application review procedures," and section 13-27, "Application notices."
 - (2) Applications for a PMDD approval shall be reviewed by the development review committee.
 - (3) Upon completion of development review committee review, applications shall be scheduled for consideration by the planning and zoning board.
 - (4) Following the planning and zoning board recommendation on the application, the application shall be forwarded to the city commission for consideration by ordinance. The city commission shall consider and approve, approve with conditions, or deny the application.
- (c) Effect of Planned MainStreet Development District zoning.
 - (1) Subsequent to the enactment of PMDD zoning, development of all or a portion of the PMDD shall proceed in accordance with the site plan review and subdivision approval provisions of this chapter.
 - (2) Site plans shall be approved by resolution of the city commission. PMDD site plans previously approved by ordinance of the city commission may be amended by resolution of the city commission.

- (3) Site plan approval and subdivision approval shall be granted only for developments which conform to the submissions incorporated into the PMDD ordinance adopted by the city commission, except that the provisions of subsection (d) of this section shall apply.
- (d) Deviations. Site plan approval and subdivision approval may be granted for developments which deviate from the enacted PMDD zoning plan if all of the following criteria are met:
 - (1) The deviations do not increase the total number of residential units or the total nonresidential floor area in the approved PMDD.
 - (2) The deviations do not involve MainStreet design standards requirements, any applicable Alternative Design Solutions in the approved PMDD, setbacks, list of permitted or special land uses, open space or greenspace requirements, wetland preservation, or building height.
 - (3) The deviations do not increase the total amount of average daily traffic and A.M. and P.M. peak hour traffic generated by the development and is consistent with the consistency and concurrency determination standards in section 13-140, "Consistency and concurrency determination standards; consistency with city/county comprehensive plan," of the land development code.
 - (4) The deviations do not substantially alter the size and location of the PMDD, the street network, or other significant development features.
 - (5) The deviations do not substantially alter the nature or effect of any applicable maintenance agreements, development agreements, development of regional impact development orders, or any other agreements between the city and a property owner in the PMDD.

Sec. 13-373. Development regulations.

- (a) All accessory uses and structures in residential districts shall be located in rear yards with the exception of the following:

- (3) Entrance guardhouse not exceeding three hundred (300) square feet in area and located so as not to create interference of an existing or proposed traffic plan or pattern, as determined by the director of ~~e~~community sustainable development.

- (i) Antennas and structures:

- (2) Requirements. Dish or disc antennas designed to receive transmissions of television signals from communication satellites, are permitted subject to the following requirements:

- a. Dish or disc antenna structures shall meet all setbacks for the applicable zoning district in which they are proposed to be located.
- b. Installation shall meet all requirements of the Florida Building Code and all requirements set by the director of sustainable development, pursuant to enforcement of the Florida Building Code.

Sec. 13-376. Errors and violations.

The issuance of a permit, based on the approved plans and specifications, shall not prevent the director of sustainable development ~~services director~~ or the department of sustainable development ~~services department~~ from thereafter requiring the correction of errors in such plans and specifications or preventing building operations from being carried on in violation of this chapter, ordinances of the city, or the Florida Building Code.

Sec. 13-380. Outdoor dining and outdoor cafes.

(b) *Definition.* The following definitions shall apply to this section:

- (3) "Outdoor dining area" or outdoor cafe area means the area approved by the department of sustainable development ~~services department~~ during the application process.

(c) *Outdoor dining regulations.*

- (1) Outdoor dining may operate provided the restaurant possesses all required state, county and city licenses, and complies with the provisions of this code.
- (2) Hours of operation shall not be greater than that of the restaurant establishment and may be subject to restrictions as determined by the director of sustainable development ~~services director~~.

(d) *Outdoor cafe regulations.*

- (1) Outdoor cafes may operate provided the restaurant possesses all required state, county and city licenses, and complies with the provisions of this code.
- (2) Hours of operation shall not be greater than that of the restaurant establishment and may be subject to restrictions as determined by the director of sustainable development ~~services director~~.

(e) *Application required.*

- (4) The director of sustainable development services~~director~~ may revoke, suspend, or deny an application if state and county licenses have expired, public health concerns arise, or if applicant has failed to comply with outdoor dining and outdoor cafe regulations.

Subdivision II. Parking Regulations and Requirements

Sec. 13-398. Off-street parking for the disabled.

Each site used or to be used for multifamily residential (handicap occupied), parks, office, commercial, community facility and industrial purposes shall provide parking for the disabled in the immediate vicinity of the entrances to the building as follows:

- (6) Any regulation not outlined in section 13-398, “Off-street parking for the disabled,” shall adhere to the all applicable state accessibility requirements ~~approval by the department of community affairs~~, the Americans with Disabilities Act of 1990 (ADA), and the Florida Board of Building Codes and Standards.

Sec. 13-399. Parking facility design standards.

- (e) Parking facilities, including access aisles and driveways shall be surfaced with brick, asphalt or concrete surfacing maintained in a smooth, well graded condition according to the standards set forth in Article II of this chapter; provided, however, that the following exemptions shall apply:

- (2) Subbase in areas designated for grass parking shall be stabilized to an L.B.R. 30 and compacted to an average of ninety-five (95) percent of the maximum density as determined by AASHTO T-180 (Modified Proctor). Subbase in grass areas designated for emergency fire access shall be stabilized to an L.B.R. 40 and compacted to an average of ninety-eight (98) percent of maximum density as determined by AASHTO T-180 (Modified Proctor). A one-inch layer of suitable top soil material shall then be spread over the compacted subbase and the entire area shall be sodded with durable grass. Emergency access lanes as required by site plans standards shall be a minimum of twenty (20) feet wide, at least ten (10) feet from the

building, and have a cross slope of less than 1:20 with a minimum radius of forty-five (45) feet. The architecture of the building may warrant special fire requirements as suggested by the ~~public safety~~ fire department and approved by the ~~community~~ department of sustainable development department.

- (u) Required landscape islands or medians may be reduced in size to allow larger terminal islands, depending on the overall site plan design concept. Required open space and drainage requirements shall be adhered to. Any variation in parking lot design design must be approved by the ~~community~~ director of sustainable development ~~director and the development review authority~~.

Sec. 13-402. Miscellaneous parking space requirements.

- (5) Parks and recreational facilities:
 - a. Golf course: Seven (7) parking spaces for each hole.
 - b. Parks: One (1) parking space per five thousand (5,000) square feet of passive land area. Active recreational facilities (tennis court, volleyball, racquetball, basketball, etc.) and their associated areas shall require one (1) space for each two (2) possible users, up to the capacity for said facilities. Any parking combinations of active and passive uses shall be determined by the ~~community~~ director of sustainable development ~~director~~.

Sec. 13-407. Calculating required parking.

- (a) The parking requirements for uses not specifically mentioned shall be the same as provided in this subdivision for the most similar use as determined by the director of ~~community~~ sustainable development.

Sec. 13-408. Use of parking facilities.

- (b) *Limitations on use of required parking facilities.* The following uses and activities shall not be permitted in required parking facilities:
 - (1) Parking to serve an off-site building.
 - (2) Storage, repair or display of any vehicles, equipment or merchandise, except as may be approved by the ~~community~~ department of sustainable development ~~department~~ on a temporary basis.

Subdivision VIII. Performance Standards

Sec. 13-521. Application and enforcement.

(a) *Application of standards.*

- (1) All uses established or enlarged subsequent to the effective date of the ordinance from which this article was derived shall comply with the performance standards set forth in this subdivision.
- (2) All uses existing on the effective date of the ordinance from which this article was derived shall be brought into compliance with the performance standards set forth in this subdivision within three (3) years of such date, except that the period for compliance may be extended by a number of years equal to: $100 \times CC/AV$

CC = ~~hg~~Cost of compliance

AV = ~~hg~~Assessed value of real and personal property on the premises on the effective date of these regulations.

(b) *Enforcement.*

- (2) Whenever the ~~community director of sustainable development director or his designee~~ community director of sustainable development director determines that there is a possible violation of this subdivision he shall conduct an investigation of the subject use to determine if a violation exists. When a determination can be made by the city staff, using equipment normally available to the city or obtainable without extraordinary expense, such determinations shall be made before notice of violation is issued. When technical complexity or extraordinary expense makes an investigation utilizing city personnel and/or equipment infeasible, the ~~community director of sustainable development director or his designee~~ community director of sustainable development director shall, if funds are available, retain an expert consultant to determine if a land use activity is in compliance with this subdivision. Such consultants shall be fully qualified to make the required determination and shall be persons or firms mutually agreeable to the city and to the owner or operator of the use in question. In the event of inability to select a mutually agreeable consultant, the city and the owner or operator may select independent consultants, in which event each party shall bear its own costs irrespective of the final determination of compliance or noncompliance with the performance standards in question. If one (1) consultant is mutually agreed upon, the cost of the consultant's services shall be borne by the owner or operator of such use, if the use is found to be in violation of this subdivision. If the use is found by the final authority to be in compliance with this subdivision the city shall bear the cost of the consultants services.

Sec. 13-529. Storage of flammable, toxic or explosive substances.

CODING: Words in *struck through* type are deletions from existing text.
Words in underscored type are additions to existing text.
A line of *** indicates existing text not shown.

(d) *Permit requirements.*

- (1) A building permit, issued by the director of ~~community~~ sustainable development, shall be required for installation of all aboveground and belowground fuel storage tanks and drums.

- (3) Each permit issued by the director of ~~community~~ sustainable development for the installation of temporary aboveground diesel fuel tanks and drums shall remain in effect for a period of one (1) year from the date of issuance. A new permit is required for relocation of such temporary diesel fuel tanks and drums. Each permit issued by the director of ~~community~~ sustainable development for the installation of belowground tanks and drums shall remain in effect for that period of time designated in the permit issued for such installation by the state department of environmental regulation.

Sec. 13-530. Application of performance standards.

- (c) Determinations necessary for administration and enforcement of performance standards set forth in this subdivision range from those which can be made with satisfactory accuracy by a reasonable person using normal senses, without mechanical equipment, to those requiring great technical competence and complex equipment for precise measurement. It is the intent of this subdivision that:

- (1) Where determinations can be made by the director of ~~community~~ sustainable development using equipment normally available to the city or obtainable without extraordinary expense, such determinations shall be so made before notice of violation is issued.

- (d) Upon the determination by the director of ~~community~~ sustainable development that a violation exists, he shall take or cause to be taken any lawful action necessary to cause correction within the limits established by such performance standards.

Sec. 13-543. License required for home-based assembly uses.

- (c) The applicant for a home-based assembly license shall complete and submit an application for a license to the department of sustainable development ~~services~~ ~~division~~ of the city. If the applicant is not the owner of the property, the owner must co-sign the application.

- (d) The applicant must reside at the location of the place of assembly.
- (e) Upon determination by the director of the sustainable development services ~~or his or her designee~~ that the applicant meets the licensure criteria, the applicant shall be issued a home-based assembly license. The license may be renewable annually without fee, but a new application shall be filed every year. Each license shall expire on September 30 of every year, regardless of the date issued.

Sec. 13-545. Revocation of license for prohibited conduct.

- (d) Any license for operation of a home-based assembly use may be revoked by the director of sustainable development services, ~~or his or her designee~~, providing notice in writing is given to the holder of any such license of the intent to revoke said license based upon the director's determination that the violation of the city's rules and regulations is so frequent, or so egregious so as to warrant revocation.

DIVISION 5. SITE PLAN REVIEW REQUIREMENTS

Sec. 13-546. Approval required.

- (a) Except as provided in subsection 13-546(2) below regarding certain qualifying development projects, construction or improvement on any site may commence only following approval of a site plan by resolution of the city commission pursuant to division 5, "Site plan review requirements," and section 13-26, "Application review procedures." All construction and improvements shall conform to such approved site plan.

Sec. 13-547. Review procedures.

- (a) ~~*Preplan review.* The applicant shall review the proposed site plan with the 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 submit the proposed site plan to the [sustainable development department or designee]. The 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 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."

- (c) ~~*Review and recommendation by the development review committee.*~~
- (1) ~~Committee members and departments responsible for development application review shall submit written recommendations to the sustainable development department designee according to a review schedule established by the city manager 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 the development review committee and the applicant. required revisions and any other information required by the director of sustainable development and the development review committee shall be resubmitted by the applicant within seven (7) days of the review. Finalized submissions will be scheduled for review by the planning and zoning board 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 chapter. Applicants may at any time withdraw an application.~~
 - (3) ~~Any fees collected in conjunction with development review are nonrefundable.~~
- (a) *Hearing; review by development review committee; action by planning and zoning board and city commission.*
- (1) Applications for site plan approval shall be reviewed by the development review committee and shall be processed as provided in this division, and in section 13-26, "Application review procedures," and section 13-27, "Application notices."
 - (2) Upon completion of development review committee review, applications shall be scheduled for consideration by the planning and zoning board.
 - (3) Following the planning and zoning board recommendation on the application, the application shall be forwarded to the city commission for consideration by resolution. The city commission shall consider and approve, approve with conditions, or deny the application.
- (d) ~~*Planning and zoning board review.*~~ The planning and zoning board shall review and provide recommendations to the city commission to approve, approve with conditions, or deny the final site plan as required by this division. The conditions of the recommendations or grounds for recommending disapproval of a final site plan shall be stated in the minutes of the planning and zoning board 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 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. One (1) twelve (12) month extension of the site plan approval may be granted by the 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 director of sustainable development department.~~
- (g) ~~Denial. Denial of an application shall preclude the applicant from refiling the same application for twelve (12) months from the date of denial.~~
- (hb) ~~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, setbacks, 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 a new or revised site plan approval to be processed through the city commission.~~
- (ic) ~~Previously approved site plans.~~
 - (1) ~~A site plan approval previously approved by ordinance may be amended by the city commission by resolution.~~
 - (2) Site plans approved prior to the effective date of this 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. 13-549. Modifications to approved site plan.

- (a) Administrative site plan modification. Modifications to an approved site plan may be permitted by the administrative approval of the director of 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.

(b) All other site plan modifications. Any site plan modification which does not meet the standards of 13-549(a), "Administrative site plan modification," shall be processed in the same manner as a new site plan under the requirements of 13-547, "Review procedures."

DIVISION 7. EXCAVATION REGULATIONS

Sec. 13-597. Special exception land use required.

(a) Mining and quarrying shall not be permitted without obtaining special land use approval. Applicants for special land use approval shall submit along with the application, the following:

Sec. 13-598. Standards.

The following are the minimum requirements and criteria that must be met for an applicant to be granted a special ~~exception~~ land use for an excavation. The city may impose additional reasonable standards in particular cases as a condition of approval.

- (1) The city shall not grant special land use approval for excavation ~~approval~~ for a period of time in excess of six (6) years.
- (2) The city shall not grant special land use approval for excavation ~~approval~~ unless the proposed excavation site is a minimum of ten (10) acres.
- (3) A site development plan shall be submitted for review by the city.
- (4) A site reclamation plan shall be submitted to the city.
- (5) All lands for which a special ~~exception~~ land use for excavation has been approved shall be reclaimed in accordance with the approved site reclamation plan. The reclamation shall be secured by a reclamation bond in the amount of two hundred dollars (\$200.00) per acre. This bond is in addition to the performance bond required by this division.

Sec. 13-599. Renewals, extensions, abandonment.

- (a) Yearly renewals of the excavation special ~~exception~~ land use approval shall be granted to the owners or operators of excavations existing at the adoption date of the ordinance from which this chapter was derived, provided compliance with the applicable requirements is made.
- (b) Any extension, beyond the excavation limits shown in each plat required above shall be treated as a new excavation, and shall be subject to the full requirements of this division.

- (c) Where excavation has been discontinued for a period of six (6) months or more or has been abandoned, any renewal or the resumption of excavation shall be ~~required to be subject to a special exception~~ prohibited without obtaining a new special land use approval for a new excavation. The issuance of such a special ~~exception~~ land use approval shall be subject to all of the requirements of this article for a new special ~~exception~~ land use.

Sec. 13-600. Performance bond.

The applicant for a special ~~exception~~ land use for an excavation shall post a performance bond, in the amount of one thousand dollars (\$1,000.00) per acre, not to exceed one hundred thousand dollars (\$100,000.00) per excavation. Such bond shall be conditioned upon complete compliance with the regulations of this division pertaining to the initiation, conduct and completion of excavations within a period of not more than one (1) year after the excavation has been commenced or after work on such excavation has been abandoned or discontinued for a period of six (6) months or more. As alternatives to the performance bond, the applicant may provide the amount in cash or, in a form acceptable to the city commission, may provide an irrevocable letter of credit, negotiable certificate of deposit or escrow agreement, all of which shall be in the amount as set forth above.

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 28TH DAY OF MARCH, 2024.

PASSED SECOND READING THIS 11TH DAY OF APRIL, 2024.

Sandra L. Welch, Mayor

Attest:

Joseph J. Kavanagh, City Clerk

	<u>1st</u>	<u>2nd</u>
Welch	<u>Aye</u>	<u>Aye</u>
Railey	<u>Aye</u>	<u>Aye</u>
Rydell	<u>Aye</u>	<u>Aye</u>
Brodie	<u>Aye</u>	<u>Aye</u>
Wasserman	<u>Aye</u>	<u>Aye</u>

File Path:O:\Documents\ORDINANCES\2024\Chapter 13 Development Procedures Consolidation and Streamlining\Procedures Ordinance Form rev 3.4.25.docx
Initials:kmm
Date:03-05-24

CODING: Words in ~~struck through~~ type are deletions from existing text.
Words in underscored type are additions to existing text.
A line of *** indicates existing text not shown.