Article XI Development Standards of General Applicability

27-231 Development Standards

All development shall conform to the specific requirements of the appropriate zoning districts and shall comply with the standards contained in this chapter and other regulations outlined in this Code. These standards shall be considered to be minimum requirements. In considering development plans, the Development Review Committee, Plans Adjustment Committee, Planning and Zoning Board and City Council shall be guided by the standards set forth hereinafter.

27-232 Urban Design Standards

(a) Design concepts. The principles set out below are not intended to limit innovative architecture, but to establish a meaningful design guide for development and redevelopment in the City of Plantation. All development shall be designed in accordance with the fundamental concepts described in this section. The fundamental design concepts shall include:

(1) The design of architecturally varied structures within developments through the use of building massing, varied roof-scapes, varied window design, ornamentation and color;

(2) The linkage of landscaped exterior spaces (courtyards, loggias, arcades and plazas) to buildings; and

(3) The linkage of separate development parcels by pedestrian and vehicular connections.

(4) The recognition of the South Florida climate which should influence building shape and orientation, nature of roofs and overhangs and the location and size of windows.

(5) The identification of individual subdivisions by utilizing signage.

(6) The use of private common open space as a community design feature.

(b) *Pedestrian orientation*. All nonresidential and multifamily development shall contribute to the creation of a pedestrian oriented community by providing the following:

(1) Emphasis on the buildings' street facades as major elements of the overall street-scape; and

(2) Street level architectural treatment including colonnades, arcades, awnings, and other shade producing elements should be provided along all pedestrian-oriented frontages.

(3) Pedestrian oriented frontages shall be adjacent to building entrances and integrated with adjacent properties.

(c) Minimum design standards.

(1) Nonresidential development. All nonresidential development shall be consistent with the traditional architecture and design themes of South Florida including the following:

a. New buildings shall be designed in a manner that is compatible with the adjacent building in height and scale.

b. Recognition of the scale and character of adjacent structures or developments, including continuation of existing facade treatment or expression lines, and the use of similar finish materials.

c. Roof materials shall consist of tile, metal seam or shingle. This requirement shall not apply to flat roofs with a parapet wall.

d. All mechanical equipment (including roof-mounted equipment) shall be screened with materials consistent with those used in the construction of the building. The screening material and structure shall be architecturally compatible with the building. Mechanical equipment shall be screened from view by a parapet, masonry wall or other architectural feature of the building. Such enclosure shall be as high as or higher than the highest portion of the equipment or apparatus being screened. All existing structures for which design approval is required as a result of proposed changes to existing development shall screen rooftop equipment in accordance with these standards. Such screening shall be of the same or similar material to that which exists on the exterior of the building

e. Pedestrian circulation systems shall be barrier-free and provide alternative ramps in addition to steps consistent with American Disabilities Act (ADA) requirements.

f. All sides of any nonresidential structure shall have compatible facade and roof treatments.

g. All dumpsters and trash handling areas shall have a concrete slab, and finished masonry wall as provided for in this Code, and be landscaped in accordance with Article X of this Code. Dumpsters shall be oriented in a logical fashion so as to minimize truck maneuvers. Enclosures shall be finished with similar materials and colors as the principal structure.

(2) *Residential development*. All residential development shall adhere to the following standards:

a. *Multi-family roof standards.* Pitched roofs shall have constructed of a metal or slate, all as defined by common usage in Broward County, Florida. Cedar shingle and asphalt shingle roofs are not permitted.

b. All multi-family buildings which abut or are separated by a street or water body from an existing or proposed single-family district shall have hip or gable roofs.

c. Driveways and parking areas within all residential zoning districts shall be constructed of concrete, asphalt or brick pavers.

d. No two houses having the same elevation in any residential single-family zoning district shall be built side by side or directly across the street. In no instance, shall two houses of identical color package be side by side or directly across the street.

e. Architecture and site development should incorporate consideration of the subtropical characteristics of the area. The provision of sun-control devices, shaded areas, vegetation, roof terraces, and similar features characteristic of subtropical design is encouraged.

f. Open space for multi-family dwelling units should be located and designed to maximize its utility to the dwelling units.

g. All multi-family buildings which abut or are separated by a street or water body from an existing or proposed single-family district shall have hip or gable roofs.

h. All dumpsters and trash handling areas within residential multi-family zoning districts shall have a concrete slab, be enclosed by a finished concrete block wall similar in color and detail to the principal structure as provided in this Code, and be landscaped in accordance with Article X of this Code. Dumpsters shall be oriented in a logical fashion so as to minimize truck maneuvers.

27-234 Driveway Standards

(a) *Design*. Driveway locations, cross-sections and grades shall be in accordance with approved engineering plans, Chapter 5 of the City of Plantation Code of Ordinances, and the Florida Building Code (Broward edition) as amended from time to time. Driveway access to the street system shall be according to the subdivision design standards and street layout contained in Chapter 23 of the Code of the City of Plantation.

(b) *Separation between driveways*.

(1) *Residential lots*. Driveways for single-family residential lots shall be separated by the minimum distance required in section 27-234(d), Proximity to Property Lines.

(c) *Maximum width*. The maximum width of pavement in a swale is provided for in section 23-25 of the Code of the City of Plantation, as amended.

(d) *Minimum size*. Driveways for single-family and duplex structures in all residentially zoned districts shall have minimum paved dimensions per parking space of eight (8) feet in width and eighteen (18) feet in length (clear of sidewalk).

(e) *Proximity to property lines*. Except for fee simple attached residential and joint use accessways, driveways shall not be located closer to a property line than the following:

(1) Single-family and duplex residential. Five feet for rectangular lots, two-and-one-half feet for pie-shaped lots.

(2) Multifamily residential. Ten feet or the bufferyard requirement contained in this Code, whichever is greater.

(3) Nonresidential. The width of a required bufferyard, or if no bufferyard is required, ten feet to another nonresidential parcel or 15 feet to a residential parcel.

(f) *Paving*. Except as provided for below, driveways and parking areas shall be paved with a hard, dust-free paving material complying with the Florida Building Code. All uses shall use concrete, asphalt, or brick pavers.

Exceptions:

- Uses permitted to provide grass overflow parking.

(g) *Clear sight triangles*. All driveways and street intersections shall provide clear sight triangles in both directions in accordance with Chapter23 of the Plantation Code of Ordinances.

27-235 Outdoor Lighting Standards

(a) *General*. No structure or land shall be developed, used or occupied unless all outdoor lighting conforms to the requirements of this section. The terms used in this section shall have the definition used by the Illuminating Engineers Society. Lighting shall be designed and placed to illuminate the ground, a vehicular use area, a building entrance, walkway, or a sign. All lighting shall be concentrated on the ground, building entrances, walkways, or sign it is intended to illuminate. Lighting which is designed to illuminate the building elevation or roof area shall be prohibited.

(b) *Preparation of site lighting plan*. A plan which shows the photometrics of the site's lighting for vehicular use areas, outside building areas, signs and walkways shall be prepared by a registered professional engineer. The plan shall incorporate all existing and proposed sources of artificial light used on the site, including adjoining outparcels for nonresidential development. The lighting plan shall be submitted with the site plan, prepared at the same scale. The plan must indicate and be certified for compliance with the standards of this section.

(c) *Minimum illumination*. All multi-family, shopping centers and office buildings shall illuminate parking lots and pedestrian areas to a minimum maintained average of 1.0 footcandle and a maximum to minimum ratio of 15 to 1, with no area below the illumination of 0.5 footcandle.

(d) *Maximum illumination*. All lighting for parking areas, buildings and signs shall be located, screened, or shielded so that adjacent property, structures, and rights-of-way are not directly illuminated. All lighting for parking areas, buildings and signs shall either be shaded or screened in a manner that will limit spillover of lighting onto adjacent property and public rights-of-way. Spillover shall not exceed 0.5 footcandles measured vertically along the property line at the perimeter of the property. The maximum footcandle shall not exceed 15 at any point in a vehicular use area.

(e) *Lighting height standards*. All private outdoor lighting shall be designed, located and mounted at heights no greater than:

(1) 25 feet above grade for non-cut-off type luminaries, and

(2) 30 feet above grade for cut-off type luminaries.

(f) *Exceptions*. Public facilities including but not limited to parks; lighted recreation and athletic areas, courts and fields; and water and wastewater treatment facilities shall be exempted from these standards.

(g) *Hours of illumination*. All required illumination shall be controlled by automatic timing devices which will assure that the required illumination shall be provided at dusk until at least 9:00 p.m. each day and at least one-half (½) the required illumination from 9:00 p.m.

to 11:00 p.m. or thirty (30) minutes after the closing time of the establishment served by the parking facility, if later than 11:00 p.m., after which the illumination will be required in areas adjacent to buildings of the establishment and at driveways where needed for security

27-236 Natural resource and wellfield protection.

(a) Prior to the city issuing a building permit for property identified on the comprehensive plan wetlands map as "transitional wetlands," permitting shall be required by the South Florida Water Management District and Florida Department of Environmental Regulation, as determined to be necessary by those agencies.

(b) Plans for development in areas with significant native vegetation as identified in the city's conservation element of the comprehensive plan will show the location of the vegetation and will indicate how the vegetation will be preserved.

(c) Uses within potable water wellfield cones of influence will be restricted to those allowed under the county wellfield protection ordinance

27-237 Surface Water Management Standards

(a) *Conformance with applicable laws*. All structures or land shall be developed, used or occupied such that surface water is managed in conformance with Chapter 9 of the Plantation Code of Ordinances and the following laws, rules and regulations:

(1) Chapter 27-14, Broward County Department of Natural Resource Protection, Code of Regulations, as amended, "Management of Stormwater Discharges and Non-Point Sources of Pollution";

(2) Chapter 67-904, as amended, Laws of Florida;

(3) Chapter 40-E, as amended, Florida Administrative Code, "Rules of the South Florida Water Management District."

(4) Plantation Acres Improvement District rules and regulations, as amended.

(5) Old Plantation Water Management District rules and regulations, amended

(6) Florida Building Code, as amended.

27-238 Accessory Uses and Standards

(a) *General.* No accessory uses shall be permitted in a required yard or bufferyard area, except as set forth below. In no event shall an accessory use be construed to authorize a use not otherwise permitted in the district in which the principal use is located and in no event shall an accessory use be established prior to the principal use to which it is accessory. No permanent structures shall be permitted in utility easements without the prior written approval of the appropriate utilities and the concurrence of the city.

(b) *Fences, walls and gates*. Regulations pertaining to materials and heights for fences, walls and gates, which do not support other construction, are as follows:

(1) No fences or walls shall be erected or installed unless the building department has issued a permit for same.

(2) No fences or walls shall be erected or installed in a public right-of-way and permits may be refused for fences or walls in easement areas.

(3) Barbed wire strands or strands of materials of similar character, such as but not limited to, glass, nails, and spikes shall be prohibited except as noted in subsection (18) below. A fence made completely of barbed or razor wire strands shall not be permitted in the city.

(4) Razor wire components and electrically charged components of fences, walls and gates shall be prohibited in the city.

(5) Plan adjustment committee approval may be required for any fence or wall in a nonresidential zoning district at the discretion of the planning, zoning and economic development director.

(6) Subject to subsection (8), where walls or fences are located at property lines they shall be adjacent to them unless the adjoining property owners apply jointly for a permit giving their mutual assent to the erection of the wall or fence on their common property line.

(7) Walls.

a. Walls may be of concrete masonry, tile or similar permanent materials, and fences may be of wood or galvanized steel, or similar materials, provided any design used is properly constructed and maintained; provided, further, however, that in RS-1EP districts any wall or fence erected within two-thirds (2/3) of the building setback line adjacent to the outer boundaries of said parcel may not have more than forty (40) percent of its surface area visually obstructed with the remainder of said surface area to be open and unobstructed; provided still further, however, that if more than forty (40) percent of such fence or wall is visually obstructed, there shall be a minimum five-foot landscaped area between such adjacent boundary line and said fence

or wall with such landscaping to be approved by the city's landscape architect; provided, still further, that to the extent either such fence, wall or landscaped buffering between the outer adjacent boundary and said fence or wall may fall within a drainage easement of the Plantation Acres Improvement District (PAID), the approval of PAID will be required prior to the issuance of a permit therefore by the city.

b. All surfaces of masonry walls, wood and metal fences shall be finished in the same manner with the same materials on both sides to have an equal or better quality appearance when seen from adjoining properties or a public right-of-way. The structural supports for wood and metal fences, walls and gates shall face inward toward the property.

(8) *Maximum height.*

a. In residential districts, the maximum height for a wall or fence in a front street setback area shall be four (4) feet. The front street setback area extends the full width of the lot for all interior and corner lots. On interior lots in residential districts, the maximum height for a wall or fence in the side setback areas (exclusive of the front setback area as defined above) and in the rear setback area shall be six (6) feet. On corner lots, all fences or walls may be a maximum height of six (6) feet, extending to and along the property lines, except in the front street setback areas as defined above; however, in secondary street setback areas, a six-foot height is permitted only: (1) within that portion of the yard area bounded by a line perpendicular to the side of the house and extended from the rear corner of the house (where the rear one-half (½) portion of such side of the house has no exterior equipment, fixture, bathroom window or bedroom window areas where for aesthetic or privacy reasons visual screening would be appropriate) to the secondary street property line, thence to the rear property line and around the rear perimeter of the lot; or, (2) within that portion of the yard area bounded by a line perpendicular to the side of the house and extended from that closest one-half (½) rear portion of the side of the house to the rear corner of same which is determined by the building and zoning director to be necessary to visually screen exterior equipment fixtures, bathroom windows or bedroom window areas to the secondary street property line, thence to the rear property line and around the rear perimeter of the lot. On corner lots in residential districts, all fences and walls in the secondary street setback area are limited to a height of four (4) feet except where a six-foot height limitation is permitted within a portion of such secondary street setback area by virtue of the preceding sentence.

b. Whenever a property line in a residential district abuts or is within one (1) foot of an existing or proposed sidewalk, bikeway or street right-of-way line, the property owner or occupant will be permitted to put along or within five

(5) feet of said property line an open weave chain link fence (which does not contain plastic or other types of "slats"), an open rail fence, or such other type of fence which does not present a visual barrier by having more than twenty (20) percent of its surface area visually obstructed; any other type of fence or wall shall not be permitted within five (5) feet of the property line. If any other type of fence or wall is located a distance of five (5) feet or more from the property line, decorative live greenery shall be planted between such other type of fence or wall and the property line, with such plant species, planting intervals, and irrigation as deemed appropriate by the city landscape architect. The owner or occupant shall have the duty of maintaining the irrigation and live greenery required by this subsection and shall be liable to the city for costs that the city incurs with regard to removing, moving tearing down, or reconstructing any wall or fence located on property which is subject to an easement in the city's favor.

c. Whenever a property line in a planned residential or residential district abuts a public or private golf course, the property owner or occupant will be permitted to put along or within five (5) feet of said property line one of the following fence types as determined by the golf course abutting said property:

1. Emory Z Rail (aluminum black or white)
2. Scalloped picket (PVC)
3. Three rail ranch fence (PVC)
4. Traditional (wood)
5. Split rail (wood)

Any other type of fence or wall shall not be permitted within five (5) feet of the property line. If any other type of fence or wall is located a distance of five (5) feet or more from the property line, decorative live greenery shall be planted between such other type of fence or wall and the property line, with such plant species, planting intervals, and irrigation as deemed appropriate by the city landscape architect. The owner or occupant shall have the duty of maintaining the irrigation and live greenery required by this subsection. If applicable, the owner or occupant shall be liable to the city for costs that the city incurs with regard to removing, moving, tearing down, or reconstructing any wall or fence located on property which is subject to an easement in the city's favor.

d. For purposes of this subsection (8), on corner lots developed with single-family homes, the "front street" for purposes of determining the "front street set back area" shall be defined in terms of the orientation of the home and not by the definition of "lot line front" as contained in section 27-1 of this Code. Thus, the front street shall be that street which is in front of the building face that functions as the front of the home (as is usually practically determined by the orientation of the home, the location of the main entrance of the home,

and the various elevations [and changes to elevations] of the roof). Once the front street is thus located and defined, the "secondary street" (for purposes of determining the secondary street setback area) shall be the other street segment bounding the corner lot.

(8) Notwithstanding the subsection above, the city council may grant conditional use permits for multifamily residential developments where the council holds a public hearing on such requested permits and affirmatively finds that the vision clearance requirements for unobstructed vision for traffic safety as codified in section 27-638 are met and such higher fences or walls facing streets or in front setback areas are not dangerous, but rather, create a more aesthetically pleasing screen or barrier to off-street parking areas servicing said multifamily residential districts without unduly interfering with or blocking the light, air and vision of the first floor residences of said multifamily residential districts; provided that such conditional use permits shall not, under any circumstances, allow a wall or fence exceeding six (6) feet in height in any residential area facing a street.

(9) All permissive heights set forth herein are subject to meeting the vision clearance requirements of section 27-638.

(10) The height of all fences and walls shall be measured from existing grade (as such term is defined in section 27-1 at the site of said fence or wall; provided, however that on RS-1EP zoned property where horses are harbored, such fence or wall shall be erected to a height of five (5) feet at the site of said fence or wall (so as to hinder horses jumping same).

(11) Chapter 5, article IV provides for fences or walls as a safety barrier where swimming pools exist. If such walls or fences are placed in setback areas where they form an obstruction to access for fire protection of a building, they shall not exceed four (4) feet in height and have no projections or surfaces damaging to fire hose use; otherwise walls or fences built within setback areas shall not block access for fire protection.

(12) No fence or wall shall be erected, placed or maintained along or adjacent to a lot line on any nonresidentially zoned property to a height exceeding eight (8) feet.

(13) Where property in a business, commercial or industrial, or B-6P district abuts, either directly or across an alley, street, drainage ditch or waterway, property in a residential district, a concrete or masonry wall shall be constructed on the side or rear of the property so abutting. Such wall shall not be less than five (5) feet nor more than six (6) feet in height.

(14) Requirements of this section may be superseded on projects subject to design approval by the review committee or the city council.

(15) When in considering any subdivision plat or site plan the review committee may recommend and the city council may require that a fence or wall be constructed for screening purposes and may fix the height of said wall or fence, and material which height may exceed the limitations set forth in this section when said fence or wall is required for screening purposes. The city council, in requiring a fence or wall be constructed for screening purposes, may take into consideration the following: a. Design of the fence or wall for appearance. b. Location of the wall, whether on private or public property. c. Impairment of visibility at street or driveway intersections.

(16) Privacy walls or fences shall be permitted in side or rear setback areas or in front yard areas provided that: a. They are not higher than six (6) feet from the floor elevation of the house; b. They protrude into the required setback no more than one-third (1/3) of the width of the required setback from the outside wall of the house; c. They do not extend beyond the dimension of the home; and d. Such privacy walls or fences are designed to shield from view from the first floor of adjacent structures or streets, bathrooms and bedrooms which incorporate open atrium or garden landscaped areas adjacent to such bedrooms or bathrooms where transparent glass separates said planted areas from said rooms where privacy from outside view is dictated by such room's normal usage.

(17) In the SPI-2, B-5P, I-LP, and I-L2P districts where a substantial portion of merchandise or equipment, associated with an allowable permitted use and structure, is stored outside the main structure within the side or rear yards, barbed wire strands or strands of material of similar character may be permitted on a fence or wall as provided herein:

a. Upon the finding by the planning and zoning director that a barbed wire strand fence should be allowed in consideration of the character of adjacent property, the orientation of a building, the need for outdoor security, the subject property's use, proposed visual screening measures, or criminal activity perpetrated against the subject property (as evidenced by police reports, insurance claims, or other justification), the property owner shall obtain the required building permits from the building department. The following regulations shall apply to the installation of barbed wire strands or strands of material of similar character:

1. The height of barbed wire or similar material shall be no less than seven (7) feet in height from grade with the combined height of fence, wall or gate and associated barbed wire not exceeding nine (9) feet from grade;

2. A maximum of three (3) strands of barbed wire are permitted with each strand to be mounted six (6) inches from the adjacent strand;

3. Barbed wire or similar material must be mounted on the fence so as to not exceed the height of the fence to which it is connected;

4. Barbed wire may not be associated with any fence, wall or gate that faces a public right-of-way, except when abutting an alley, as defined in section 27-1 of this Code, entitled definitions, where the alley and fence, wall or gate are located in the rear or side yard of the subject property.

5. Barbed wire strands or fencing along property lines adjacent to residential uses shall be discouraged and may be allowed by the planning and zoning director when the criminal activity remains persistent notwithstanding prior fencing efforts of the subject property owner.

b. Upon the finding by the planning and zoning director that a barbed wire strand fence should not be allowed on a property, the property owner may appeal the decision to the governing body of the city.

c. Any barbed wire installation installed pursuant to a permit of the city as of the date of adoption of Ordinance No. 2274 shall be permitted to remain until such material is destroyed or removed for any reason and may only be re-established according to the requirements of this section.

d. Any barbed wire not installed pursuant to a permit of the city as of the date of adoption of Ordinance No. 2274 shall be permitted to remain only upon approval according to the requirements of this section together with the issuance of a building permit.

e. Governmental facilities essential to public health and welfare or which present significant risks of being terrorism targets of opportunity (as determined by the police chief, fire chief, or utilities director) may be exempted by the planning and zoning director from some or all of the regulations and restrictions of this section.

(c) *Accessory buildings and structures in residential districts.*

(1) Definitions.

a. "Accessory buildings" shall mean garages, carports, utility sheds, guest houses, pool houses, shade houses, green houses, gazebos, cabanas and similar roofed structures which are clearly incidental or subordinate to the principal residence, and customary within residential home sites of the same zoning district.

b. "Rural accessory building" shall mean a building located in the SPI-1, Plantation Acres Rural District on property zoned for single family residential use which does not have metal sides or a corrugated metal or fiberglass roof and which is a: (i) barn, stable, aviary, or other building customarily used to shelter animals; or (ii) an air conditioned building for the storage of art, artifacts, or valuable collections; or (iii) a building for the storage of farming or ranching supplies, vehicles, seed, produce, fertilizer, machinery or equipment. Any building in the SPI-1, Plantation Acres Rural District on property zoned for single family residential use which is not either a home or a rural accessory building shall be an accessory building.

c. Accessory buildings, rural accessory buildings, and accessory structures shall not mean or include the permanent installation of the following prohibited structures which are listed for emphasis and clarity:

1. A tractor-trailer, recreational vehicle, travel trailer, bus, or mobile home modified to be permanently attached to the ground, regardless of whether said vehicle is tied down, placed on a poured slab, or includes interior electrical or plumbing.

2. Storage containers, shipping or cargo containers, Portable On-Demand Storage ("PODS") containers, or any other container that can be delivered to or picked up from the site by a motorized vehicle (or trailer attached to a motorized vehicle), regardless of whether said container is tied down, placed on a poured slab, includes interior electrical or plumbing, or which is physically modified to have a sloped roof. These structures may only be used temporarily for certain purposes, provided permitting is received in accordance with Chapter 5 of this Code.

d. "Integrated garages, guest houses, pool houses and carports" shall mean those garages, guest houses, pool houses and carports which are completely a structural part of the principal building (and thus are not a separate building from the standpoint of the Florida Building Code), or which are a separate building from the standpoint of the Florida Building Code, but nevertheless aesthetically appears not to be a separate building by reason of being connected to the principal building with matching walls, architectural treatments, and roofing systems.

e. "Utility Sheds." While Utility Sheds may be constructed of other materials, any building with metal sides or a metal or fiberglass roof, and which is not prohibited under subsection (a)(3) above, shall be deemed a utility shed for purposes of this section.

(2) *General Regulations*.

a. Except as provided in this Section 27-639, accessory buildings and rural accessory buildings, shall comply with setback, lot coverage, and all other restrictions for the district in which they are located.

b. No accessory building shall be erected before the principal building

c. The maximum height and area of an accessory building shall be as follows:

1. An accessory building shall not exceed the height of the principal building more than twenty percent (20%);

2. In no instance shall the height of an accessory building exceed twenty-five (25) feet; provided however, that when the accessory building is a guest house located above the garage, the height of the accessory building shall not exceed thirty-five (35) feet; and,

3. The cumulative gross floor area for all accessory buildings on a lot shall not exceed the greater of thirty-five percent (35%) of the gross floor area of the principal building or One Thousand Five Hundred (1,500) square feet.

The maximum limits established in this paragraph (3) may be reduced in specific cases by the application of the provisions of paragraph (5) below, or by other more restrictive and specific code provisions (such as, for example, the reduced height limitation and cumulative gross square feet limitation for sheds).

d. Guest houses shall additionally be subject to the regulations contained in Sec. 27-128 and 27-152 of this Code, as applicable.

e. The proposed accessory building or rural accessory building shall be clearly incidental or subordinate to the principal residence, and customary in residential home sites of the same zoning district. In determining whether a proposed accessory building or rural accessory building is clearly incidental or subordinate to the principal residence, and customary in residential home sites of the same zoning district, the Director of Planning, Zoning, and Economic Development shall evaluate whether the proposed accessory building or proposed rural accessory building is consistent and compatible with other accessory buildings of the same type in the same zoning district (or if there are none, a similar zoning district), in terms of mass, scale, size, components, and function. A property owner wishing to construct an accessory building or rural accessory building may appeal the administrative determination of the Director of Planning, Zoning, and Economic

Development to the Board of Adjustment in accordance with and subject to the provisions of Article III, Division 3 of this Chapter.

(3) Additional prohibited locations. In single-family residential zoning districts the following additional prohibitions shall apply:

a. No accessory building or rural accessory building shall be permitted in that portion of the lot between: (i) a street lot line and (ii) a line parallel to such street lot line and adjacent to and touching the building face of the principal residence fronting such street lot line, as extended, except in the following cases:

1. When a lot abuts a street on three or more sides, notwithstanding the prohibition contained in (c)(1) above, an accessory building or rural accessory building may be located in the portion of such lot which functions as the rear yard, between the street and the residence, subject to meeting all other requirements in this Code.

2. In the RS-1EP zoning district, notwithstanding the prohibition contained in (c)(1) above, an accessory building or rural accessory building may be permitted within corner lots containing a home between the street and the portion of the home that functions as its side or rear, subject to meeting all other requirements in this Code. The district setback requirements cannot be reduced pursuant to this Section or Article III, Division 3 of this Chapter.

3. When the accessory building is an integrated garage, guest house, pool house, carport, or servant quarters.

(4) Interior Side or Rear Yard Setback relief For all single family zoning districts except RS-1EP, shade houses, gazebos, cabanas, greenhouses, and utility sheds may intrude into the side or rear yard setback, provided: (i) such setback is not a street setback, and (ii), a minimum setback of ten (10) feet is maintained (except for those districts where a lesser side or rear yard setback is specifically allowed by this Code and where such lesser set back is met).

(5) *Additional regulations for utility sheds*.

a. The cumulative gross square feet of floor space allowed for all utility sheds on a single family residential lot shall not exceed one hundred fifty (150) square feet or five percent (5%) of the gross square feet of the home, whichever is greater.

b. Utility sheds shall not exceed ten (10) feet in height.

c. Utility sheds shall have sloped, hip or gable roofs, but need not match the principal structure's roof design, coverings, and color, or have side surface materials and colors which match the principal structure's side surface materials and colors.

(6) *Aesthetic Regulations*. Subject to the exceptions below, all carports garages, guest houses, and pool houses must have the same color, type (cement tile, shingle, etc.), and style (gable, hip, mansard, etc.) of roof as the principal residence. Additionally, all carports, garages, guest houses, and pools houses must have walls, windows, and doors that match the principal residence's wall, window and door materials, finishes, color and style.

a. The first sentence above shall not be required to be met if the proposed type and extent of construction of an attached carport, garage, pool house, or guest house would, in the opinion of the Building Official cause the existing home to need to be upgraded so as to meet the then existing requirements of the Florida Building Code, and in such event the property owner shall have the option of:

1. detaching the buildings and complying with the aesthetics regulation;

2. changing the elevation of the roof of the accessory building in relation to the roof of the principal structure to the minimum extent reasonably needed so as to permit the accessory building roof to be treated as an independent roof system (in which case the roofing materials shall match the roofing materials of the principal structure to the greatest reasonable extent).

b. The first sentence of this subsection (f) shall not apply in cases where an existing carport with a flat roof is attached to a home and is proposed to be enclosed and made into a garage. In these cases, the carport can be converted to a garage without modifying the roof; however, it shall have sides which are finished with the same surface materials and colors as the principal structure's side surface materials and colors.

(d) *Screening of rooftop equipment other than solar energy collectors; ground placement and requirements for disk or dish antennas*.

(1) *Enclosures*. To minimize the bulky, boxy shape of such rooftop equipment, air-cooled condensing and/or compressor equipment, water cooling towers, air conditioning equipment, fans, blowers and any other mechanical or service equipment or apparatus installed on roofs of buildings other than attic vents shall be screened from view by a parapet, masonry wall or other architectural feature of the

building. Such enclosure shall be as high as or higher than the highest portion of the equipment or apparatus being screened.

(2) *Existing structures*. All existing structures for which design approval is required as a result of proposed changes to existing development shall screen rooftop equipment in accordance with (a) above. Such screening shall be of the same or similar material to that which exists on the exterior of the building.

(3) *Rooftop installation of rod or spike or dish antennas*. Rod or spike type or dish antennas (which dish antennas have a diameter in excess of one (1) meter in size) may be installed on a building's roof pursuant to the regulations of chapter 5.5, part 1, division B, of this Code.

(4) Ground installation of dish antennas. Dish or disk antennas, designed to receive transmissions of signals or data are allowed in the city's various zoning districts where the owner of such dish also owns the dish satellite antenna site, subject to the requirements and conditions set forth within this subsection. Except where specifically provided otherwise, these requirements apply only to dish or disk antennas in excess on one (1) meter in diameter, as any dish or disk antenna equal to or less than one (1) meter is size are exempt from the building permit and land development regulatory requirements in view of pre-emptive federal regulations (except when these one (1) meter and smaller dish or disk antennas are mounted on a mast or pole in excess of twelve (12) feet in height (in which event they shall only be subject to obtaining a building permit)). The city's requirements as applicable to dish or disk antennas that exceed one (1) meter in diameter, are as follows:

a. (1) Unless installed on a building roof pursuant to the regulations of chapter 5.5, part 1, division B of this Code, the dish antenna must be ground mounted, and meet all setbacks for the zoning district in which it is installed.

b. Installation will meet all requirements of the Florida Building Code (and applicable life safety codes).

c. No dish antenna will be located in any front or side yard.

d. The maximum diameter of dishes will be as set from time to time by resolution of the council, taking into consideration any improvements in technology which reduce the size of the dish required to receive a reasonable signal, provided that, however, maximum diameter will be twelve (12) feet until January 1, 1986, and the maximum diameter will be ten (10) feet thereafter until the maximum diameter is changed by resolution or ordinance of the council.

e. When the technology is available such that a dish with a maximum diameter of six (6) feet can receive a reasonable signal, as determined by resolution or

ordinance of the city council, all dishes with a diameter greater than six (6) feet shall be nonconforming structures and shall be removed by the owner thereof within three (3) years of passage of such resolution or ordinance. The chief building official shall notify all owners of such nonconforming dish structures upon passage of such resolution or ordinance.

f. Dishes will be installed to minimize the height thereof, and in no case will any portion of a dish be as high as the roof line of the building which is adjacent to it, or twelve (12) feet, whichever is lower.

g. All dishes and dish installations must be color coordinated to match the surroundings.

h. All dishes must be screened from view from adjacent property by either landscaping or a fence or fence-type structure erected in conformance with the zoning code and the Florida Building Code (and all applicable life safety codes). Any landscaping used as screening must be such so as to totally hide from view all of the dish from any point five (5) feet outside of the property line of the property on which the dish is installed. These landscaping requirements must be permanently maintained by the applicant. If the landscaping is not adequately maintained and is not corrected within sixty (60) days of being notified to do so by the city, the dish shall be in violation and shall be removed. If not so removed by the applicant and the owner of the dish has not shown cause at a hearing before the special magistrate why the dish should not be removed, the dish may be removed by the city.

i. In addition to the plans which must be submitted to the building department for the erection of a structure under the Florida Building Code (and all applicable life safety codes), a plan detailing the proposed installation of a dish showing dish site, neighboring structures, adjacent streets, and landscaping must be submitted to and approved by the plans adjustment committee. The plans adjustment committee will determine whether or not the proposed installation meets the requirements of this subsection. The plans adjustment committee may approve plans which contain minor deviations from the requirements stated in this subsection if the following criteria are met: a. Aesthetics will be at least equally served; and b. The minor deviation is justified taking into consideration surrounding residences, streets, landscaping, and other features.

j. All applications for the installation of a dish must be accompanied by an application fee equivalent to that for minor development approvals as set forth in section 27-64.5 of this Code.

k. This subsection (d) shall apply to temporary or moveable dish antennas; however, the dish antenna visual screening requirements set forth in

paragraph (7) above shall not apply to temporary, moveable, or fixed dish antennas which are designed and continually maintained so as to look the same as umbrella-covered circular outdoor patio tables, having a maximum diameter of eight (8) feet, and having no portion thereof exceed a maximum height of twelve (12) feet when extended in any position for signal reception. Any temporary or moveable dish antennas once removed must be reinstalled in the approved location after a permit has been received so that the building department can ensure compliance with all Code requirements. In addition to reviewing installation plans, the plan adjustment committee shall determine whether a given, proposed dish antenna looks the same as an umbrella-covered circular patio table.

(5) *Dish antennas serving more than one single-family residence*. Disk or dish antennas designed to receive transmission of signals and to transmit such signals to more than one (1) single-family residences by signal distribution facilities which do not use any public right-of-way are allowable. Within this section, "public right-of-way" means any right-of-way granted to the public or to any governmental body by way of conveyance, dedication, restriction, or by easement. Developers within the city have been permitted to request the waiver of dedication of rights-of-way giving access to their proposed dwellings either by means of plat dedications or conveyances, when site plan approvals are sought, when such developers will grant easements for governmental purposes. Because these easements are substitutes for dedications of right-of-way, "public right-of-way" shall include any area within an easement given for governmental purposes as a condition of the city council waiving, at developer's request, the dedication of public right-of-way to such proposed dwellings from the nearest available public road(s). These requirements, which are continuing requirements, and conditions are as follows: (1) The dish antenna must meet all requirements and conditions of subsection (d). (2) All services rendered and all rules, regulations and rates adopted by the operator of the signal distribution facility shall have general applicability throughout the service area and said operator shall give no preference or advantage to any person or subject any person to prejudice or disadvantage. (3) The operator of the signal distribution facility shall maintain a business office reasonably accessible to residents of its service area during reasonable business hours. Said operator will provide adequately trained personnel to ensure that subscriber complaints and requests for repair may be received on a twenty-four-hour per day basis. (4) Said operator shall maintain in such business office a schedule of all rates, terms and conditions and shall promptly update said schedule with any changes. (5) The operator shall preserve the privacy rights of subscribers to the same extent as required by cable television operators under section 631 of the Cable Communications Policy Act of 1984.

(e) *Solar energy collectors.*

(1) Wherever possible, solar energy collectors shall be installed in such locations as to be effectively and permanently screened from view from adjacent property owners or pedestrians upon adjacent sidewalks or road rights-of-way. When screened from such view, permits may be issued by the building department upon submission of plans disclosing such permanent visual screening and an attachment of such collectors to structures or premises in full compliance with the South Florida Building Code and the Plantation Code of Ordinances.

(2) Whenever it is not possible to fully screen such solar energy collectors from the view of adjacent property owners and adjacent sidewalks and road rights-of-way, the building department may only issue a permit upon submission of plans showing that such solar energy collectors are either of a flat plate type to be installed flush with the pitch of the roof to give the appearance of a skylight. In the absence of a properly pitched roof to permit such flush installation of flat type solar energy collector or if a solar energy collector of a type other than a flat plate roof collector is to be installed, then all sides and supports for such solar energy collector other than the collecting surface proper shall be fully skirted with roof material identical to that used on the remaining portion of the adjacent roof to create the impression of a chimney or dormer to minimize the amount of such solar energy collector not being screened from view to the collecting surface proper. If such skirt or screen creates such visual screening impression and effectively screens additional solar energy collectors mounted behind or adjacent thereto such additional collectors need not be similarly skirted or screened where such additional screening or skirting would not accomplish any further visual screening of such collectors.

(f) *Regulation of greenhouses and shadehouses in residential districts.*

(1) This section shall apply in all single family residential or PRD residential zoning districts.

(2) Definitions.

a. A "greenhouse" is a building made chiefly of glass or other suitable material in which the temperature is maintained naturally or artificially within a desired range for cultivating or growing plants.

b. A "shadehouse" is a building made chiefly of wood, metal, plastic, or other suitable materials, with wood slats or shadecloth, which is designed or used merely to shade plants without "natural" or artificial temperature maintenance.

(3) No greenhouse shall be permitted within a building setback area. Shadehouses with a screen roof and with screen sides shall not be deemed part of a building structure for purposes of measuring the rear building setback area; consequently, such shadehouses shall enjoy the same rear setback requirements as screen enclosures with screen roofs, which requirement is currently contained in subsection 27-642(h), as the same may be amended. Shadehouses which do not have a screen roof and screen sides shall be deemed part of a building structure for measuring all setback areas and no such shadehouse shall be permitted within a building setback area.

(4) All greenhouses and shadehouses must be screened from view from adjacent property by either landscaping or a fence or fence-type structure erected in conformance with the zoning code and the South Florida Building Code. Any landscaping used as screening must be such so as to hide from view the greenhouse or shadehouse from five (5) feet above grade up to sixty (60) percent of the greenhouse's or shadehouse's height from any point five (5) feet outside of the property line of the property upon which the greenhouse or shadehouse is located. These visual screening requirements must be permanently maintained by the owner or occupant of the property where the greenhouse or shadehouse is maintained. If such visual screening requirements are not adequately maintained and are not corrected within sixty (60) days of being notified to do so by the city, the greenhouse or shadehouse shall be in violation of this Code of Ordinances, and the provisions of chapter 6 of this Code of Ordinances shall then apply.

(5) No greenhouse or shadehouse shall be built upon property such that the area of the greenhouse or shadehouse, together with the area of all other buildings and structures located upon the lot, exceeds the applicable percentage lot coverage limitation otherwise established in this Code of Ordinances.

(6) Notwithstanding the previous subsection (e), no greenhouse or shadehouse located upon a lot shall exceed four hundred (400) square feet in size and ten (10) feet in height. Size or height increases may be approved by the plan adjustment committee if the following criteria are met:

a. that the proposed greenhouse or shadehouse meets all other requirements of this section;

b. that aesthetics will be at least equally served; and

c. that the size or height increase is justified taking into consideration surrounding residences, streets, landscaping, and other features. The plan adjustment application fee for such purposes shall be fifty dollars ($50.00). The chief building official will mail notice to adjacent property owners informing them of the time and place of the plan adjustment committee meeting at which such area, size or height increase request will be considered, which notice will be mailed at least seven (7) days prior to such meeting by first class mail. If such area, size or height increase is not approved

by the plans adjustment committee, such refusal shall not prejudice the affected owner or proponent when seeking a variance from the board of adjustment.

(g) *Vending machines in residentially zoned areas*. Subject to the limitations of this section, up to two (2) coin-operated vending machines are permitted to be placed in or about a clubhouse facility or similar common use amenity which is intended to serve the inhabitants of a residential area. If the area consists of three hundred (300) or more dwelling units, up to a maximum of four (4) such machines are permitted. Such machines shall be installed at locations which are not readily accessible or visible from public roadways. They shall also be installed at locations which do not interfere with ingress to or egress from the clubhouse or amenity, in a manner which complies with all applicable fire safety standards, and in a manner which discourages or eliminates use of the vending machine area as a congregating place for nonresidents, trespassers, or gang members, including, but not limited to, securing the area where the machines are located during times determined appropriate by the director of building and zoning. The director of building and zoning or designee shall review and approve each such proposed location, after a determination is made that the location meets the limitations set forth in this section. Such machines shall be confined to those which vend snacks, foods and nonalcoholic beverages, and the director of building and zoning shall have the right at any time to order the removal of machines that engender a congregation of nonresidents, trespassers, or gang members, after reasonable steps to prevent such congregations have proved inadequate.

27-239 Compliance with Comprehensive Plan

27-240 Reserved

27-241 General Development Requirements

(a) *Advertising requirement*. If a location is included in any printed, radio or television advertisement of an approved real estate development in the city, the City of Plantation shall be noted in the text or map of said printed advertisement or be included in the description of the location in said radio or television advertisement.

(b) *Zoning map disclosure requirement*. All developers of residential property are required to disclose to potential purchasers, the zoning districts of all vacant properties within 1,000 feet of the advertised residential development. Accordingly, the developer shall prominently display at least one full-size and most recent version of the city's zoning map obtained from the city's Planning, Zoning and Economic Development Department in all sales model centers. The zoning map shall accurately display the zoning districts and the size and scale of the residential property in relation to the vacant property and include a description of the

permitted uses allowed in each zoning category depicted, as well as a statement that the zoning is subject to change upon the passage of an ordinance by the City Council. The developer shall also include a reduced version of said zoning map in all marketing materials used to advertise the residential development.

(c) *Development phasing requirement*. All residential and non-residential multi-building developments shall provide phasing plans identifying the sequencing and timing for all principal buildings, accessory buildings and other development related amenities. Accessory buildings and amenities such as clubhouses, pools, dog parks, tennis courts, basketball courts, tot lots, guardhouses, mall kiosks/buildings shall be completed or issued a certificate of occupancy prior the issuance of certificates of occupancies for twenty-five (25) percent of all principal buildings comprising the development.

(d) *Micro-unit limitation*. Micro-units shall comprise no more than twenty-five percent of a multi-family residential development.

(e) *Unified control.*

All land included within an application to the city council for a development permit where any requirement of the zoning or subdivision ordinances of the City of Plantation is sought to be waived (such as, but not limited to, the dedication or deeding of public road rights-of-way; deviations of building setback lines, etc.), shall be under a plan of common development and common ownership of said property (either through common ownership associations, condominium declarations, or other forms of ownership where unity of title does not exist for all lands covered by the requested development permits). The applicant shall agree to:

(1) Proceed with the proposed development according to the provisions of this ordinance and conditions attached by the city council when such development permits are granted (approval of site plan, elevations and locations of buildings depicted thereon, landscape and parking plans, exterior finishes, etc.).

(2) The applicant shall submit to the city's legal department at least three (3) weeks prior to any request for a building permit for a primary structure pursuant to the development approval granted by the city council under subsection (1) hereof, the applicant shall submit to the city's legal department such unified control agreements, contracts, deed restrictions or other documentation as necessary in connection with the development, together with such financial assurances as may be required for review as to the legal sufficiency of same, so as to assure the development will comply with requirements respecting public elements servicing the property on which such development approvals are obtained; as well as to assure the continuing operation and maintenance of those private roadways and other areas and facilities of development which, pursuant to the requested development approvals given by the city council under subsection (1) hereof are not to be operated or maintained at public expense. In reviewing such unified control documents, the legal department shall see that the following minimum criteria are met:

a. That valid governmental access is provided for the servicing of the development, both during and after construction of same.

b. That if the project is being built in phases, an adequate traffic circulation plan is depicted through the use of temporary culs-de-sac at the end of each phase of on-site road construction, so as to assure reasonable traffic flow through each phase (even if future phased constructions are not built).

c. That no encroachment may be made into any common-owned land which would affect the outward elevations of any primary structure without prior approval by either the city council or its plan adjustment committee and that all such encroachments be uniform as to applicability between the developer or future unit owners under a delineated procedure approved by the building department which procedure shall minimally require prior approval of the owner(s) of such land of such intended encroachments and a hold harmless agreement from such owner(s) to the city for granting permits for such requested encroachments (it being understood that the council can delegate to the building department approval of any elevation changes occasioned by such encroachments within the common areas of such developments). As used within this subsection c, the word "owner(s)" shall mean those owners having beneficial use of the area wherein the encroachment is contemplated or their representative (such that, for example, if an encroachment is permissible pursuant to condominium documents in a limited common area, then the encroachment may be permitted with the approval of the beneficial unit owner together with a representative of the other owners (i.e., the association) without requiring the consent and approval of all owners of the limited common area).

d. That the amendatory provisions of such unified control documents require approval of amendments by the city council or its legal department before same are deemed effective.

e. That the developer and subsequent owners of property within the proposed development must agree to utilize, where offered, all municipal franchised services and may not independently contract for such services without prior approval of the city council (presently included within franchised services of the city are garbage collection and cable television).

f. That no provision is included within the unified control documents which would permit a conflict with the ordinances of the City of Plantation or the regulations of other governmental agencies having any jurisdiction over the property covered by such development and affirmative assurances of compliance with such ordinances and governmental regulations are to be contained within the unified control documents (illustrious of such compliance with ordinances would be a requirement that the city's comprehensive sign ordinance be fully complied with within the development; that no less restrictive signs be permitted within the development; that no traffic regulation, directional signs or efforts to control flow of traffic or speed of traffic be allowed to be erected, emplaced or otherwise installed upon or adjacent to any private road system within the development which would conflict with the ordinances of the City of Plantation or other duly enacted governmental regulations

concerning traffic, signage and control; that no surface water drainage be permitted that would conflict with the requirements of the city's ordinances for subdivision improvements or the regulations of any drainage district having jurisdictional authority over the property covered by said development, etc.)

g. That a proper method of assessment for maintenance of commonly and/or privately owned property and improvements with lien rights and enforcement rights be created within the unified control documents so as to give the city reasonable assurance that the future maintenance of such private facilities and land will not be at public expense and that the developer bear his fair share of such expenses during the development of the property covered by such unified control documents.

h. That all state disclosure requirements to prospective purchasers of condominium units are fairly made.

i. That such additional requirements as are imposed by the city council in its review of the applicant's requested development approvals, as well as such additional requirements as the administration deems proper to adequately protect the health, safety and welfare of the future occupants of primary structures within said development be included in legally enforceable form within such unified control documents.

(3) Bind his successors in title to any commitments made in (1) and (2) above within the land parcel owned by each successor. Nothing herein contained shall preclude the divesting of ownership or control by the applicant of all or part of the land within the area of such development approval request after approval of same is obtained from the city.

(4) Reimburse the building department for all fees charged by the legal department reviewing such unified control documents and no primary structure building permits shall issue until the legal department has submitted to the building department an approved set of unified control documents, together with its advice letter on the fees charged the city for which such reimbursement is to be made by the applicant to the building department.

(Code 1964, App. A, Art. XXXI, § 5; Ord. No. 2161, § 1, 5-6-98)

27-242 Architectural Design Guidelines

(a) *Requirements.* In reviewing such site development plan, the city shall consider the following:

(1) Safe access and circulation for vehicles and pedestrians with respect to streets (public or private) and on-site parking, loading, walkways, and sidewalks (where they exist).

(2) The compatibility and impact of proposed uses upon adjacent properties. When reviewing the compatibility of a proposed use with adjacent uses, the parking impacts, degree of landscape or screening, noise, odors, and character of the uses shall be considered.

(3) Buildings facades fronting adjacent rights-of-way or located in front yard setbacks shall contain no loading areas, overhead doors, or outdoor storage areas.

(4) Buildings within the all zoning districts, with the exception of single family districts, shall comply with the following:

a. In order to avoid the appearance of large, blank, unarticulated surfaces for the building's faces:

1. Variations in color shall be used;

2. Variations in surface texture shall be used;

3. Exterior wall planes should not exceed fifty (50) feet without a facade offset of eight (8) inches or more; and

4. The face of any building fronting on a public right-of-way, as well as the face(s) of the building where the principal entrances are located, shall be treated and articulated to create a three-dimensional elevation to reduce the impact of building mass (e.g., covered entryways, recessed doors or windows [except where daylight design warrants against such elements being recessed in order to maximize the benefit of energy sources], stucco bands, stepback walls, etc.). Segmented shading or architectural elements which are allowed on the exterior of any the building facade or designed to reduce building mass may protrude into the setback area.

b. Building facades that front on adjacent rights-od-way shall be composed of at least seventy-five (75) percent of Class 1 or 2 materials, with at least ten (10) percent of Class 1 material as the total facade. Building facades that front on other public rights-of-way shall be composed of at least thirty (30) percent Class 1 or Class 2 material, with at least five (5) percent of Class 1 material as the total facade.

TABLE 242-1

Class 1	Class 2
Brick	Masonry stucco
Natural stone	Decorative concrete block
Brick or stone veneer	Decorative concrete panels
Glass	Tile glazing and framing systems
Face brick	Split face or fluted concrete masonry

Stone veneer	Factory glazed concrete masonry units

Such other similar class 1 material as is approved by resolution of the city council Architectural, pre-cast concrete

Such other similar class 2 material as is approved by resolution of the city council

c. Exterior walls constructed with metal panels shall not be allowed, metal buildings shall not be allowed.

d. Corrugated metal roofs visible from the building exterior shall not be permitted. Standing seam metal roofs shall be allowed.

e. Accessory buildings, regardless whether attached or detached from the principle building, shall be constructed of the same style, quality, and appearance as the principal building.

f. The primary building color shall be a subdued, muted, natural or earth toned color. A brighter, non-natural color may be used for accent elements, doors, windows, and architectural details. No more than four (4) colors shall be used. Bright, highly reflective, or garish colors shall not be used. Color palates shall represent a harmonious and balanced theme, and shall not create major visual conflicts with surrounding buildings.

(5) Division 3 of article III of this chapter allows minor development approvals, which can be approved without planning and zoning board, landscape, disabled board or city council review. In these types of approvals, the same substantive standards for acceptable site and building design shall apply.

(6) In situations where a proposed use is less than or equal to twenty thousand (20,000) gross square feet in size and is not listed as a permitted, conditional, or prohibited use, the PZED director may determine the specific use is allowable on the basis that it is substantially similar to a permitted use and complies with all parking requirements associated with said substantially similar use. In making such a determination, the PZED director may require the applicant proposing such a use to submit documentation fully explaining and describing the proposed use. If the property owner disagrees with the director's determination, the matter can be appealed pursuant to the provisions for appealing an administrative determinations as set forth elsewhere in this chapter. The provisions of this subsection (f) shall be narrowly construed and applied so as to limit the PZED director's authority. Unless it is clearly apparent that reasonable minds cannot disagree as to whether a proposed use is substantially similar to a permitted use, the director's refusal to allow a proposed use shall be upheld.

(7) Building permit applications or business receipts tax applications associated with a change of use within an existing building shall be subject to the following:

a. The applicant shall provide a use letter providing sufficient information for staff to determine if the proposed use is listed as a permitted or conditional use.

b. The property owner shall provide written documentation demonstrating that sufficient on-site parking is provided to meet the collective demand for both the proposed new use and all existing uses in accordance with this division and Article IX, Off-Street Parking and Loading.

27-243 Home occupations.

(a) *Intent*. It is the intent of the city to allow homes to be used for business purposes under very limited circumstances. It is intended that this section will permit persons to use their homes to conduct business only by telephone, Internet and by mail and for the production of correspondence, reports and other documents.

This section shall not be construed to permit the production, assembly or repair of any product, the storage of any products or equipment, or on-premises sales. All other business use of the home shall continue to be prohibited.

It is further intended that the occasional, perhaps even frequent, taking of office work home and completing same, by a person having a business address other than their residence, shall not be considered a home occupation and shall continue to be permitted without compliance with this section and shall continue to be permitted in conjunction with a residential use.

(b) *Criteria for home occupations*. Home occupation shall mean any activity for which local business tax receipt of the city is required by law and which is conducted within a dwelling unit in a residential district.

In a residentially zoned district, a home local business tax receipt may be issued when the home is used only as a location for a business telephone, an address for business correspondence, and a storage place for business records in conjunction with a principal residential use.

Home occupations are permitted in residential zones provided the following criteria are met:

(1) No person, other than a member of the family residing on the premises, shall be engaged in such occupation.

(2) The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and not more than ten (10) percent of the floor area, not to exceed two hundred (200) square feet of the dwelling unit, shall be used in the conduct of all of the home occupations licensed for the home. Garages shall not be used for the conduct of the business.

(3) There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of such home occupation, including outside storage or signs pertaining to the home occupation.

(4) No home occupation shall be conducted in any accessory building, or other structure detached from the residence.

(5) No stock-in-trade shall be displayed, stored, shipped to or from, or sold on the premises.

(6) No equipment shall be permitted except that which is of quantity and configuration normally used for purely home/office purposes.

(7) No clients, customers, purchasers or pedestrian traffic of any kind related to the business shall be permitted. Provided, however, that for music lessons and other tutorial services, teachers and tutors may conduct such activities within their residence so long as no more than two (2) students are at the residence at any one time and adequate parking is provided on site to accommodate a minimum of two (2) vehicles in addition to the number of vehicles normally parked at the residence.

(8) Home mailing address shall not be used in any advertisements.

(9) No vehicular traffic, with the exception of mail delivery services (i.e. postal service, overnight service by Federal Express or a similar carrier, and the like), shall be generated by such home occupation in greater volumes than would normally be expected in a residential neighborhood. No commercial type vehicle shall be used in connection with the home occupation, including commercial vehicles for delivery to or from the premises.

(10) The use shall not generate noise, vibration, glare, fumes, odors, or electrical interference beyond what normally occurs in the applicable zoning district.

(c) *Licensing requirements*. The requirements for issuance of local business tax receipt contained in sections 14-18 and 14-38 of this Code shall apply to home occupations.

Additionally, an applicant for a home local business tax receipt or tax receipt renewal shall be made by obtaining an application form for home occupations from the city. The following information shall be required of all persons making application for a home local business tax receipt:

(1) Name and address of applicant; name and address of the homeowner if different than the applicant (or property management company if rental);

(2) Post office box address, if applicable;

(3) Address of property where home occupation is to be conducted;

(4) Room, including square footage, to be utilized to conduct the home occupation;

(5) Nature and type of business to be conducted;

(6) A signed, notarized statement completed by the applicant certifying compliance with the requirements of this section and granting city inspectors the right to enter into the house to inspect the premises when there is a probable cause to believe a violation of this section exists, and agreeing to reimburse the city for all legal fees, costs, and expenses incurred by the city in an effort to get a court order permitting an inspection of the premises and incurred in connection with any other enforcement activity concerning the tax receipt (and cancellation thereof) or the use of the premises.

(7) If the residence is located within an actively operating condominium or homeowners' association, then for each such association, the applicant shall provide a letter from the legal counsel to the association, or from the president if there be no such legal counsel, stating that the prospective business use does not violate any association rule or deed restriction or restrictive covenant provision.

(8) All other requirements contained in this chapter shall apply to home occupations.

(d) *Processing fee*. The completed application shall be either mailed or hand delivered to the city clerk's office, along with payment of a local business tax receipt processing fee in the amount of fifteen dollars ($15.00) and the applicable local business tax as provided for in the local business tax schedule.

(e) *Other business uses; tax receipt cancellation*. There shall be no other business use of the residence except as otherwise provided in this article, and as disclosed on the application, and as approved by the governing association (where there is a governing association). The city may cancel the tax receipt at any time after same is issued in the event the city determines that a violation of the regulations pertaining to home occupations has occurred. This finding may be made by either the City Council or the city code enforcement board, using the reasonable notice and an opportunity to be heard, and hearing procedures utilized by the code enforcement board in determining that violations of this Code exist. When a tax receipt has been canceled, all business activity at the residence shall cease. Further, the city clerk shall not issue any tax receipts for a residence where the same applicant or owner of the premises had a tax receipt previously canceled (regardless of whether the canceled tax receipt was for the same or a different occupational classification) unless authorized by the City Council.