ARTICLE V DEVELOPMENT REVIEW PROCEDURES

Sec. 27-41 - General Procedures.

The following procedures and requirements are generally applicable to the development application types included in this article, unless otherwise specified in the subsections for each type.

(a) *Filing.* An application for approval of a development permit may be filed only by the owner of the land affected by the development permit, or an agent of the owner specifically authorized by the owner to file such an application. In the case of an amendment to the comprehensive plan or official zoning map or LDR, as well as development permits subject to Development Review Committee (DRC), an application may be filed by either the property owner or the city. Lessees may initiate or submit an application with valid acknowledgment from the property owner.

(b) *Application Requirements.* Every application for a development permit shall be in a form specified by the department and shall be accompanied by a fee, and, if applicable, a trust account to defray the costs of processing and reviewing the application and the required notice. The application shall be completed and accompanied by all required documents specified by the application form(s) or such additional information that may be requested by the Director.

(c) *Pre-Development Meeting.* The Director shall, upon request of the applicant, schedule and hold a pre-development conference for the purpose of reviewing the proposed development prior to the formal submission of an application for development approval. Formal application or filing of an application and plans with the department is not required for the pre-development meeting. Failure of staff to identify any requirements at a pre-development conference shall not constitute waiver of the permit requirement by the decision-making body.

(d) *Filing of Applications.* The Director shall establish application filing deadlines and a review schedule for all applications. All applications for a development permit filed with the department shall be reviewed to determine whether the application is complete. If an application is deemed incomplete, the department shall notify the applicant in writing of the deficiencies. An application for development approval may not be scheduled for public hearing until all required information has been submitted and the required review agencies have completed their review. The Director shall advise the applicant of the scheduled meeting dates and public hearings, requirements and submittal deadlines. Generally, the Planning and Zoning Board and DRC serve as recommending bodies for the ultimate City Council consideration of an application or set of related applications. In some cases, applications may be approved by the Boards, and/or DRC, as specified later in this article. The City Council, Planning and Zoning Board and DRC may take the following actions on each application for development approval:

(1) Approval;
(2) Approval with conditions;
(3) Continuance or deferral; or
(4) Denial.

As required by F.S. §166.033, in the event of a denial, the applicant shall be given the reason for the denial in writing.

(e) *Public Hearing and Notice Procedures.*

(1) All public hearing and notice requirements shall be as follows:

a. For a textual change to the city's adopted land use plan or a land use plan map amendment, public notice shall be provided in accordance with the provisions of F.S. § 163.3184(11), or in the case of a small scale amendment as defined by F.S. §163.3187(1), notice shall be given in accordance with the provisions of F.S. §163.3187(2); and

b. For the adoption of ordinances and resolutions, public notice shall be provided in accordance with F.S. § 166.041; and

c. For the city's quasi-judicial development permits (the procedures outlined within section 27-27 of these LDRs), public notice shall be provided in conformance with Sec. 27-41(l) of these LDRs set forth below; and

d. For adoption of resolutions to vacate city-operated and maintained easements or rights-of-way or easements, public notice shall be provided in accordance with F.S. § 166.041; and

e. For notice of the intent to consider a development agreement, public notice shall be advertised in accordance with F.S. § 163.3225(2).

(2) The following types of applications must be reviewed by the following administrative bodies as set out in table 41-1 below:

Table 41-1
APPROVAL PROCESS FOR DEVELOPMENT APPLICATIONS

Application Type	Admin	DRC	Community Meeting	PAC	P & Z	Council Quasi-Judicial	Council 1st Reading	Council 2nd Reading
Abandonment of Right-of-Way		✓				✓		
Appeal of Administrative Determination					✓			
Archeological Historic Landmark					✓	✓		
Comprehensive Land Use Plan (Map) Amend.		✓	✓		✓		✓	✓
Comprehensive Plan (Text) Amend		✓			✓		✓	✓
Conditional Use (1)		✓			✓	✓		
Conditional Use Extension						✓		
Cure Plan		✓				✓		
Flexibility Reserve Units Allocation		✓			✓	✓		
Local Activity Center (LAC) Units Allocation		✓			✓	✓		
Land Develop. Code (Text) Amendment	✓				✓		✓	✓
Plat		✓				✓		
Re-Approval of Development Order						✓		
Resolution Modification						✓		

Application Type	Admin	DRC	Community Meeting	PAC	P & Z	Council Quasi-Judicial	Council 1st Reading	Council 2nd Reading
Rezoning		✓	✓		✓		✓	✓
Site Data Record		✓				✓		
Site Plan – New Construction		✓	✓		✓	✓		
Site Plan – Minor Amendment		✓		✓				
Site Plan – De Minimus Revision	✓							
Trafficways Amendment		✓				✓		
Tree Removal / Tree Trimming Permit	✓							
Vacation of Easement		✓				✓		
Variance – Use		✓			✓	✓		
Variance – Physical (Homeowner)					✓			
Variance – Physical		✓				✓		
Zoning Relief Waiver						✓		

(1) Administrative or PAC approval may apply in certain instances

(f) *Rescheduled meeting dates.* Meetings may be continued by the City Council, Board, or DRC chair to a date certain without further notice except as provided for by F.S. §286.011 or other applicable law.

(g) *Examination and copying of application and other documents.* At any time during normal business hours of the city, upon reasonable request, any person may examine an application for development approval and materials submitted in support of or in opposition thereto. Copies of such materials, unless said application or other material is confidential or exempt from disclosure as provided by federal or Florida law via a public records request to the City Clerk's Office.

(h) *Resubmission of applications after denial.* The same application for development approval may not be resubmitted for reconsideration to the City Council, Planning and Zoning Board or Plans Adjustment Committee for a period of 365 consecutive days after the date on which an application for the same proposed development has been denied. An application that is significantly different from the previously denied submittal as determined by the Director may be submitted at an earlier date.

(i) *Reliance on information presented by applicant.* The city and its departments, Boards and agencies shall have the right to rely on the accuracy of statements, documents and all other information presented to them by the applicant or the applicant's agent or consultants, in review of an application for development approval issued under this Code. The applicant shall execute an application form which includes the following statement: Under penalties of perjury," I declare that I have read the foregoing application and all attachment thereto, and that the facts stated in it are true," followed by the signature of the applicant making the declaration. The written declaration shall be printed or typed at the end of or immediately below the document being verified and above the signature of the person making the declaration. As provided in F.S. § 92.525(3), a person who knowingly makes a false declaration is guilty of the crime of perjury by false written declaration, a felony of the third degree, punishable as provided in F.S. § 775.082, § 775.083, or § 775.084.

(j) *Application annulment.* If an applicant fails to act upon a submitted application within a 90-day period after receiving written comments from the department, the application will be deemed withdrawn by the applicant. The Director may extend the 90-day requirement if reasonable progress is being made in revising the application. For good cause shown or excusable delay, if a request is made in writing during the 90-day period, the Director may extend the 90-day period until a reasonable time that the circumstances dictate.

(k) *Community Meetings.* All applications for site-specific rezonings, site plans for new construction and site-specific land use plan amendments shall be first scheduled for discussion at a community meeting prior to submittal of the application for Planning and Zoning Board hearing. The meeting shall be held for the applicant to present the plans to City residents and property owners, to the adjacent communities, and if applicable homeowner's association and obtain community input regarding the application. The meeting shall be noticed by the applicant ten (10) days prior to the meeting. Notice shall be sent to all affected persons according to the radius listed in Table 41-2. The community meeting shall be held at a time and place determined by the department to provide adequate notification to the community and report any issues raised. A lack of participation at this meeting by the public shall not prejudice the application in any manner.

(l) *Courtesy notices.* The following public notices shall be provided in addition to any legally required notice by state law. These notices are provided as a courtesy to any party which may be affected, as defined by code, by a development application for the purpose of notifying those parties of the application and their ability to review submitted information and participate in public hearings. The failure of a property owner to be furnished with or to receive a courtesy notice shall not be deemed as a failure to furnish or receive legally required written notice pursuant to this Code subsection. The responsibility of providing the notice as

required by this Code shall be the sole responsibility of the City. The cost for such notice shall be borne by the property owner or said property owner's designated agent.

(1) *Affected Development Applications.* The following development applications as defined by this Code shall be subject to the notice provisions of these regulations as set forth in table 41-2 below:

Table 41-2
REQUIRED NOTIFICATION PROCESS FOR DEVELOPMENT APPLICATIONS

Application Type	Mailed Notice	Posted Sign(s)	Radius in feet	Newspaper Advertisement	Not Required
Abandonment of ROW / Vacation of Easement				✓	
Appeal of Administrative Determination					✓
Compliance Plan					✓
Comprehensive / LUP Map Amendment	✓	✓	500	✓	
Comprehensive Plan Text Amendment				✓	
Conditional Use	✓		300		
Continuance of Noticed Item					✓
Cure Plan		✓		✓	
Extension of Development Order					✓
Flexibility / Reserve Unit Allocation	✓		300	✓	
Local Activity Center Unit Allocation	✓		300	✓	

Application Type	Mailed Notice	Posted Sign(s)	Radius in feet	Newspaper Advertisement	Not Required
Homeowner Variance (Physical)	✓		300		
Land Development Regulations Text Amendment				✓	
Plat					✓
Resolution Modification by City Council					✓
Rezoning	✓	✓	500	✓	
Site Plan / Site Plan Amendment		✓		✓	
Trafficways Amendment				✓	
Variance – Use	✓		300		
Zoning Relief Waiver	✓		300	✓	

(2) *Posted Notice/Public Hearing Sign*.

a. A sign which clearly announces the pending application(s) shall be posted on the property in a prominent location from an adjoining roadway or property line, or at such other location as designated by the city to ensure maximum exposure of the sign(s) to the public. If the subject property abuts more than one roadway, then a sign shall be posted along each of those roadways. A designated outparcel of a larger property which does not abut a roadway, shall have the sign posted near closest roadway to the larger parcel. City personnel shall be responsible for erecting the sign.

b. The sign must contain the following information:

i. A title stating the type of public hearing that is under consideration on the property

ii. The department's contact information;

c. The sign shall be posted at least 5 days prior to the first scheduled public hearing.

d. Exemption: the foregoing sign-posting requirement shall not apply to development applications for individually-owned single-family and duplex properties.

(3) *Mailed Notice*.

a. A courtesy notice shall be mailed to nearby property owners as specified herein. The notification area shall be from the outer perimeters of the subject property to the nearest point of any parcel of land located within the notification area. As stated in section 27-41(l), the failure of a property owner to be furnished with or to receive a courtesy notice shall not be deemed as a failure to furnish or receive legally required written notice pursuant to this Code subsection. The individuals who must receive notice are detailed in table 41-2 above.

b. All lists of property owners to whom notice must be mailed shall be based upon the most recently updated records available from the Broward County Property Appraiser's Office (BCPA). If any part of the common elements, as defined in F.S. § 718.103 of a condominium or any part of the common areas as defined in F.S. § 719.103 of a cooperative building is within the required notice limits, notice shall be sent to the condominium or cooperative association as well as each unit owner in the subject building. If property within an adjacent governmental jurisdiction is within the notice limits of a comprehensive land use plan map amendment or rezoning, notice shall be sent to the clerk of the affected unit of government; notice shall not be required for each parcel of land within the adjacent jurisdiction. Mailed notice shall at a minimum be mailed by postpaid first class U.S. mail. Envelopes used for mailed notice shall contain the city's return address. The cost of the mailed notice shall be borne by the applicant.

c. The mailed notice shall contain the following information:

1. A title stating the nature of the application, which shall be at the top of the notice page, conspicuously placed, in bold type;

2. A description of the application in layman's English language terms, that is the subject of the hearing, including the type(s) of approval requested, and the application number(s);

3. Information regarding the application(s), planned public hearing dates and times and locations.

4. A graphic representation of the site's location and surrounding area in sufficient detail to clearly locate the property;

5. A notice that the public hearing may be continued from time to time;

6. The department's contact information; and

7. Wording consistent with F.S. § 286.26 as follows:

   In accordance with the Americans with Disabilities Act and section F.S. § 286.26, persons with disabilities needing special accommodation to participate in this proceeding should contact the city clerk at least 48 hours prior to the proceedings at (954) 797-2237

8. For City Council notices, wording consistent with F.S. § 286.0105 as follows:

   Pursuant to F.S. § 286.0105, the City hereby advises you that if you or another person decide to appeal any decision made by the City Council with respect to any matter considered at its meeting or this hearing that you or said person may need to insure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. This notice does not constitute consent by the City for the introduction or admission into evidence of otherwise inadmissible or irrelevant evidence, nor does it authorize challenges or appeals not otherwise allowed by law; and

d. The notice shall be postmarked at least fourteen (14) days prior to the first scheduled public hearing.

e. Mail notice shall be mailed to all owners of property within the notification area as defined in Table 41-2 per Sec. 27-41(l)(1) above.

(4) *Continuance and Deferrals.* The City Council and/or Board may continue or defer a scheduled public hearing to a date and time certain without further notice; provided that the date and time of the continuance or deferral is announced at the originally scheduled hearing.

Sec. 27-42 - Amendments to the Land Development Regulations.

(a) *Purpose.* The purpose of this article is to provide a uniform procedure concerning the review of proposals for amendments to these regulations, to provide for the continued integrity of these regulations; to adapt to changes in the community; and to allow the public an adequate opportunity to be heard concerning issues arising under or incidental to these regulations and amendments hereto. Whenever the public necessity, convenience, general welfare or good zoning practice and planning techniques require, the City Council may, by ordinance duly adopt in accordance with the procedures set forth herein, amend and/or supplement this Code. All amendments of the code shall be consistent with the adopted comprehensive plan.

(b) *Initiation.* An amendment to the text of this Code may be initiated by the Chief Administrative Officer or the City Council. Any affected person or persons or interested parties may also petition the city to amend the text of this Code, subject to the payment of a non-refundable application fee to cover the cost of processing the application.

(c) *Application Requirements.* Land Development Regulations (LDR) text amendment application forms, along with all established and required fees, documents, studies and analysis, shall be submitted to the city by the applicant to the department. All applications shall be processed according to the procedures of this Code and shall address the standards of section 27-42(g).

(d) *Review by Staff.* The Department shall review applications for amendment to the text of the code and compile a written report which summarizes the proposed language including all relevant documents, facts, and analysis, and evaluates the proposed amendment with the general purpose and standards set forth in this section. The Director may transmit a copy of the amendment(s) and the staff report to the DRC for consideration of impacts and standards.

(e) *Review by Planning and Zoning Board.* The Board shall review and consider amendments to the text of the LDR and make recommendations to the City Council.

(1) *Public Hearing.* The Board shall hold one public hearing on the proposed text amendment. Notice of the public hearing shall be provided in accordance with F.S. Ch. 166, and the public hearing shall be conducted in accordance with the provisions of this Code.

(2) *Action by the Board.* In considering amendments to the text, the Planning and Zoning Board shall review the proposed language, the general purpose and standards set forth in this section, the report of the department and any oral or written comments received before or at the public hearing. If the Board finds that the proposed amendments are in compliance with the general purpose and standards, then they shall recommend approval of the amendment to the City Council. If the Board finds that the proposed amendments are not in compliance, then they shall recommend denial of the amendments to the City Council. The Board may continue the matter until the requested information or studies have been completed and offered in testimony. The Planning and Zoning Board, acting as the local planning agency, shall also make a

recommendation to the City Council whether the proposal is consistent with the comprehensive plan. Any documentation, including all documents, papers, letters, maps, books, tapes, photographs, films, sound recordings, data processing software, or other material, regardless of the physical form, characteristics, or means of transmission, presented to the department prior to the scheduled public hearings or presented at either public hearing by anyone appearing before the Planning and Zoning Board shall automatically be made a part of the record of the public hearing. Additionally, the minutes of the public hearing, city staff memoranda, the City Code, and the comprehensive plan shall automatically be made a part of the record of the public hearing. The Board may continue the matter until the requested information or studies have been completed and offered in testimony.

(f) *Review by City Council.* The Council shall review all amendments to the text. The Director shall transmit to the Chief Administrative Officer a copy of the complete application and a written staff report summarizing the proposed language including all relevant documents, facts, and analysis and the recommendations of the Planning and Zoning Board. The Chief Administrative Officer shall schedule the proposed amendment for the next available Council meeting provided that the required notice procedures are met.

(1) *Public Hearing.* In order to adopt an ordinance, the City Council shall hold two public hearings on the proposed amendments consistent with the procedures for adoption of an ordinance. Notice of the public hearing shall be provided in accordance with F.S. ch. 166, and the public hearing shall be conducted in accordance with the provisions of this Code. Any documentation, including all documents, papers, letters, maps, books, tapes, photographs, films, sound recordings, data processing software, or other material, regardless of the physical form, characteristics, or means of transmission, presented to the department prior to the scheduled public hearings or presented at either public hearing by anyone appearing before the City Council at the public hearing shall automatically be made a part of the record of the public hearing. Additionally, the minutes of the public hearings, city staff memoranda, the City Code, and the comprehensive plan shall automatically be made a part of the record of the public hearing.

(2) *Action by the Council.* In considering text amendments, the Council shall review the proposed amendment, the general purpose and standards, the report of the Department and recommendation of the Board, and any oral and written comments received before or at the public hearing. Based upon the record developed at the public hearings, the City Council may:

a. Adopt the proposed amendment with or without modifications by ordinance; or

b. Reject the proposed amendment; or

c. Refer the matter to the Board or Department for further consideration.

(g) *Standards for reviewing proposed amendments to the text of this Code.* In deciding whether to recommend approval of a proposed amendment, city staff, the department, the Planning and Zoning Board and the City Council shall determine whether or not:

(1) The proposed amendment is legally required; and

(2) The proposed amendment is consistent with the goals, objectives, and policies of the comprehensive plan; and

(3) The proposed amendment is consistent with the authority and purpose of this Code; and

(4) The proposed amendment furthers the orderly development of the city; and

(5) The proposed amendment promotes sustainability and efficiency of the city and whether the proposed amendment promotes the public health, safety, welfare, and aesthetics; and

(6) The proposed amendment improves the administration or execution of the development process.

(h) *Zoning-in-Progress.* When a text amendment is being considered, the City Council may impose a hold or stay on any development applications, permits, and licenses pending before the city with respect to the text which is the subject of the proposed amendment. The hold or stay shall continue in effect for a period from the date of the publication of notice of the consideration of the zoning-in-progress by Planning & Zoning Board until proposed legislation, with or without amendments, shall have been approved or disapproved, or for a period of 180 days (which may be extended one time for an additional three months by resolution), whichever is sooner, unless such development application would be in conformity with both the existing legislation and the proposed legislation.

Sec. 27-43 - Amendments to the Comprehensive Plan

The comprehensive plan may be amended in accordance with this section and the notice and hearing procedures as set forth in this Code and applicable Florida Statutes. Corrections, updates, or modifications of current codes, to the extent permitted by Florida law, which were set out as part of the plan shall not, for the purposes of this section, be deemed to be Plan Amendments. Modifications to update the capital improvement schedule may be accomplished by ordinance adopted pursuant to F.S. §166.041(3)(a) after review and public hearing by the Planning and Zoning Board, sitting as the local planning agency, and the City Council, and shall not be deemed to be an amendment to the comprehensive plan.

(a) *Filing*. Any person, Board or agency affected by the city's comprehensive plan may apply to amend the plan, except as provided herein. An application to amend the map or text of the adopted land use plan (LUPA) may only be filed by the chief administrative officer, City

Council or an owner of property subject to the amendment, except as otherwise provided by law.

(b) *Application Requirements*. LUPA application forms, along with all established and required fees, documents, studies, data and analysis, shall be submitted by the applicant to the department. The applicant shall submit all information to adequately address the filing requirements adopted by the Florida Department of Economic Opportunity, and if applicable, the requirements of the county Planning Council. In addition, the applicant shall submit all other information determined by the Director to be necessary to address the comprehensive planning criteria of the city.

(c) *Limitations on Number of Amendments*. The Director shall establish a schedule for the acceptance of amendments to the comprehensive plan. The applicant shall comply with the limitations of F.S. § 163.3187 et seq., as amended, regarding the number and type of amendments which may be filed. If the amendment involves a change to the Broward County Land Use Plan (BCLUP), the schedule shall be established to meet the county's submittal deadlines.

(d) *Amendment procedure*. The procedure for a LUPA shall be by ordinance, in accordance with Chapters F.S. §§ 163.3174, 163.3184 and 163.3187, all as amended from time to time.

(e) *Public Hearings*. Public hearings shall be held in compliance with F.S. §§ 163.3174(4) and § 163.3184(11), as amended, and the provisions of this Code.

(1) *Local Planning Agency Public Hearing*. The Planning and Zoning Board, sitting as the LPA, shall hold at least one advertised public hearing on a proposed LUPA to review the amendment and provide recommendations to the City Council. The meeting shall be noticed in compliance with the notice requirements of this Code and F.S. §§ 163.3174.

(2) *City Council Public Hearings*. The Council shall hold at least two advertised public hearings on a proposed LUPA in compliance with F.S. §§ 163.3184 and 163.3187, all as amended from time to time. The meetings shall be noticed in compliance with the notice requirements of this Code and Florida Statutes.

(f) *Transmittal of Proposed Amendment*. Following the first public hearing by the City Council on a proposed LUPA, the City, if required by law, shall transmit the required documents of the proposed amendment to the required state, regional and county review agencies. If the LUPA involves an amendment to the county land use plan, then the city may transmit the required documents to the state concurrently with the county transmittal.

(g) *Adoption of Proposed Amendment*. If Florida law requires transmittal of the proposed amendment as provided in Section 27-43(f), upon receipt of the comments from the Florida Department of Economic Opportunity, the Council shall adopt, adopt with changes, or deny the proposed LUPA in accordance with the provisions of F.S. § 163.3184, as amended from time to time.

Sec. 27-44. - Amendments to the Official Zoning Map (Rezoning).

(a) *Purpose*. The purpose of this article is to provide a uniform procedure concerning the review of proposals for amendments to zoning district designations (i.e., rezoning), to provide for the continued integrity of these districts and regulations; to adapt to changes in the community; and to allow the public an adequate opportunity to be heard concerning issues arising under or incidental to these districts and amendments hereto. Whenever the public necessity, convenience, general welfare or good zoning practice and planning techniques require, the Council may, by ordinance duly adopted in accordance with the procedures set forth herein, amend and/or supplement the zoning district boundaries or classifications of property now or hereafter established or by amendment hereto. All amendments of the map must be consistent with the adopted comprehensive plan.

(b) *Initiation*. An amendment to the official zoning map may be initiated by the city or by any person(s) owning property within the area proposed for change on the map subject to the payment of an application fee to cover the cost of processing the application. An application for rezoning initiated by the city may be initiated by the Chief Administrative Officer, the City Council, or the Planning and Zoning Board.

(c) *Application requirements*. Rezoning application forms, along with all established and required fees, documents, studies, data and analysis and plans, shall be submitted to the city by the applicant to the department. All applications shall be processed according to the code and shall address the standards of Sec. 27-44(g), as well as the standards for a specific zoning district.

(d) *Review by Staff and DRC*. The department shall review applications for rezoning and compile a written report which summarizes the facts of the case including all relevant documents, and together with the DRC shall evaluate the proposed impacts of the amendment with respect to the general purpose and standards. The Director shall transmit a copy of the staff report to the Board.

(e) *Review by Planning and Zoning Board*. The Board shall review the proposed rezoning of property and make recommendations to the Council.

(1) *Public Hearing*. The Board shall hold one public hearing on the proposed rezoning. Notice of the public hearing shall be advertised in a newspaper of general circulation at least fourteen (14) days prior to the public hearing. The notice shall: state the date, time, and place of the public hearing; include a brief layman's language description of the proposal or present the title of proposed rezoning ordinance; and describe the place within the city where such proposed rezoning application may be inspected by the public. The notice shall also advise the public that interested parties may appear at the meeting and be heard with respect to the proposed rezoning or that the public may submit written comments to the department prior to the public hearing which written comments will be included in the record of the public hearing. The notice shall also include the disclosures described in F.S. §§286.0105 and 286.26. The public hearing shall be conducted in accordance with the provisions of this Code.

(2) *Action by the Board*. In considering a rezoning, the Board shall review the proposed amendment, the general purpose and standards set forth in this section, the report of the department, administration and any oral or written comments received before or at the public hearing. If the Board finds that the proposed amendment is in compliance with the general purpose and standards and the comprehensive plan, then they shall recommend approval to the City Council. If the Board finds that the proposed amendment is not in compliance with the specified general purpose and standards or the comprehensive plan, then they shall recommend denial to the City Council. The Board may continue the public hearing for its convenience or matter until the requested information or studies have been completed and offered in testimony.

(f) *Review by City Council*. The City Council shall review and consider all amendments to the official zoning map. The Director shall transmit to the chief administrative officer a copy of the complete application and a written staff report summarizing the facts of the case including all relevant documents, analysis of impacts, and compatibility, and an analysis of consistency with the comprehensive plan, copies of written public comment received, and the recommendations of the Board. The Chief Administrative Officer shall schedule the proposed rezoning for the next available City Council meeting for consideration providing, that the required notice procedures are met.

(1) *Public hearing*. In order to adopt an ordinance the City Council shall hold two public hearings on the proposed rezoning consistent with the procedures for adoption of an ordinance. Notice of the public hearing shall be provided in accordance with F.S. Ch. 166, and the public hearing shall be conducted in accordance with the provisions of this Code. The Council may continue the public hearing for its convenience or requested information or studies have been completed and offered in testimony.

(2) *Action by the City Council*. In considering a rezoning, the Council shall review the proposed amendment, the general purpose and standards, the report of the staff, the application of the comprehensive plan, and the recommendation of the Board, and any oral and written comments received before or at the public hearing. Based upon the record developed at the public hearings, the Council may:

a. Adopt the proposed rezoning with or without modifications by ordinance; or

b. Grant another zoning classification consistent with the land use plan, land use plan designation and comprehensive plan and consistent with F.S. §166.031, giving reasons therefore; or

c. Reject the proposed amendment and consistent with F.S. §166.031, giving written reasons for the denial; or

d. Refer the matter to the Board or department for further consideration.

(g) *Standards for reviewing proposed amendments to the Official Zoning Map*. In deciding whether to recommend approval of a proposed amendment, city staff, the department, the Planning and Zoning Board and the City Council shall determine whether or not:

1) Whether there is a change in population, socioeconomic factors, or physical development of property nearby or affecting the subject property, which change was unforeseen or unanticipated, and which change has created a present problem or opportunity that justifies a change of land use designation or zoning classification on the subject property; and further, the extent to which the proposed land use or zoning would result in action towards mitigating any problem, or capitalizing on any opportunity identified above (the established character of predominantly developed areas should be a primary consideration when a change of zoning classification or of future land use designation is proposed);

2) The impact of development permitted by the proposed land use or zoning on existing public facilities and services, including schools, police and fire, potable water, sanitary sewer, local or regional roads, parks and open spaces, and drainage;

3) Whether development permitted by the proposed land use or zoning will be compatible with development permitted under the land use and zoning of property surrounding the subject property;

4) The extent to which the proposed land use or zoning designation is consistent with the Goals, Objectives, and Policies of the Neighborhood Design Element where the property is located. (The City has an optional Neighborhood Design Element which effectively splits the City into five (5) different regions for future land use comprehensive planning purposes. Each of these five (5) regions is a discrete unit, unique in character and has special Goals, Objectives, and Policies. In evaluating any proposed change of a land use or zoning designation, the Goals, Objectives, and Policies of the affected flexibility zone Neighborhood Design Element should be given a primary importance);

5) The extent to which development permitted under the proposed land use or zoning is consistent with the Goals, Objectives, and Policies of the Future Land Use Element and the other Elements of the Comprehensive Plan. (A land use or zoning change is consistent if it is "compatible with" and "furthers" the Goals, Objectives, and Policies of the Comprehensive Plan. The term "compatible with" means that the proposed change is not in conflict with the Goals, Objectives, and Policies. The term "furthers" means that the proposed change takes action in the direction of realizing the Goals, Objectives, or Policies. For purposes of determining consistency of a land use or zoning change with the elements of the Comprehensive Plan, the Comprehensive Plan shall be construed as a whole and no specific goal, objective, or policy shall be construed or applied in isolation of all other Goals, Objectives, or Policies in the Plan);

6) Whether the project as proposed offers significant benefits not otherwise available to the City if the changes were not made (for example, does the planning, design, and development of the property exceed the minimum otherwise required land development requirements in terms of reserving appropriate open space, development themes, taking advantage of natural and manmade conditions or environments, controlling pedestrian and vehicular traffic systems, substantially intensifying landscape or providing landscape contributions to the City, improving or maintaining public infrastructure or infrastructure improvements or maintenance, exceeding setbacks and building separations where appropriate, and reflecting an orderly and creative arrangement of buildings and land uses as appropriate;

7) The extent to which the proposed land use or zoning would contribute to enhancing the tax base, adding employment, and providing other positive economic impacts;

8) The extent to which the subject property has potential to be developed in a desirable manner under its present land use and zoning scheme;

9) The future land use and zoning needs of the community; and,

10) Such other policy considerations that may not be set forth above but which are nonetheless considered by the City governing body to be reasonable and appropriate under the circumstances.

11) The proposed future land use or zoning of the property does not and will not result in contamination of groundwater sources used to supply potable water.

12) The proposed future land use or zoning of the subject property does not cause the City's water demands to exceed the City's water supply availability or consumptive use permit.

(h) *Zoning-in-Progress*. When a rezoning of a parcel of land is being considered, the City Council may impose a hold or stay on any development applications pending before the City with respect to the area which is the subject of the proposed amendment. The hold or stay shall continue in effect for a period from the date of the publication of notice of the consideration of the zoning-in-progress by the Planning and Zoning Board until proposed legislation, with or without amendments, shall have been approved or disapproved, or for a period of 180 days (which may be extended one time for an additional 90 days by resolution), whichever is sooner, unless such development application would be in conformity with both the existing legislation and the proposed legislation.

Sec. 27-45. - Conditional and Permitted Uses.

(a) *Purpose and Intent*. Permitted uses are considered to be fundamentally appropriate within the district in which they are located and are deemed to be consistent with the comprehensive plan. These uses are permitted as of right subject to the required permits and procedures described in this section. Permitted uses require final site plan review and approval for compliance with the specific use standards applicable to a particular permitted use as provided in the relevant use regulations and development standards. However, an examination of each use on particular properties must be examined to determine whether the proposed use, as applied, is consistent with the comprehensive plan.

Conditional uses are generally not compatible with the other uses permitted in a zoning district, but may be permitted following individual review as to their consistency with the comprehensive plan, compatibility, size, massing, impacts, number, location, design, configuration, and/or methods and hours of operation. To ensure that the particular use is compatible with the surrounding neighborhoods and appropriate at a particular location, consideration of the public need and the possible imposition of individualized conditions to ensure the use is compatible, will be analyzed.

(b) *Permits Required for Permitted Uses*. Except as explicitly provided herein, no use designated as a permitted use in this Code shall be established until after the person proposing such use has applied for and received all required development permits which may include, plat approval, site plan, a building permit, business tax receipt and a certificate of occupancy all pursuant to the requirements of this Code

(c) *Application Requirements for Conditional Uses*. No use designated as a conditional use in this Code shall be established until after such use has received approval under the provisions of this section 27-45 and has received all other required permits. Conditional use application forms, along with all established and required fees, documents, and plans, shall be submitted to the city by the applicant to the department. The application shall include, at a minimum:

(1) A site plan meeting the technical merits for a site plan review by the DRC, an approved site plan or a floor plan if a proposed use will be located within an existing space; and

(2) A written response and graphic summary of the proposed project and its relationship to the general standards of review (i.e., the conditional use criteria) in Sec. 27-45(d); and

(3) An ownership affidavit; and

(4) A sealed, as-built survey showing existing conditions of the property (if applicable). The survey shall be certified to and for reliance by the city and must be prepared by a registered and licensed Florida surveyor and mapper. The survey shall be current, meaning that the survey is no older than 180 days prior to conditional use application (or brought up to date) and depicts current conditions on the subject property. Said

survey shall be prepared in accordance with the minimum technical standards of F.S. § 472.027, and F.A.C. Ch. 21HH-6, and attached as an exhibit to the application.

(d) *General standards of review*. In addition to the standards set forth in this Code for the particular use, all proposed conditional uses shall meet each of the following standards:

(1) The applicant/developer submits a site plan for the parcel on or within which the conditional use permit is sought which correctly reflects ingress and egress to such use, the landscaping, parking, buffering, etc. of the surrounding property from such use and depicts the exterior elevations of any structure to be erected, including the materials to be utilized thereon, so as to establish same to be architecturally in harmony with the surrounding property. Unless waived by the City Council or staff, no conditional use approval shall be considered without such binding and buildable site plan accompanying same to allow the Council or staff to determine the architectural features and buffering needed to protect the surrounding property and so as to allow the City Council or staff to evaluate the proposed use's compliance with the remaining criteria hereafter set forth.

(2) The proposed conditional use will be consistent with the general plan for the physical development of the district including any master land use plan or portion thereof adopted by the Council.

(3) The proposed conditional use will be in harmony with the general character of the neighborhood, considering population density, scale and bulk of any proposed new structures, intensity and character of activity, traffic and parking conditions, and number of similar uses. The Council or staff must find from a preponderance of the evidence of record that for the public convenience and service a present need exists for the proposed conditional use for service to the population in the area considering the present availability of such uses to that area and such area's existing development. Further, the use at the proposed location must be found to not create a traffic hazard or traffic nuisance because of its location in relation to similar uses, necessity of turning movements in relation to its access to public roads or intersections or its location in relation to other buildings or proposed buildings on or near the site within the neighborhood and the traffic pattern from such buildings or by reason of its location near a vehicular or pedestrian entrance or crossing to a public or private school, park, playground or hospital or other public use or place of public assembly. Where such use involves heavy on-site vehicular traffic ingressing or egressing from adjacent roadways or is deemed a trip generating use, a traffic analysis shall be submitted by the applicant with suggested means of ameliorating such traffic impact on the surrounding property and the neighborhood.

(4) The proposed conditional use will not be detrimental to the use, peaceful enjoyment, economic value, or development of surrounding property, or the neighborhood and will cause no objectionable noise, vibration, fumes, odors, dust, glare or physical activity.

(5) The proposed conditional use will not adversely affect the health, safety, security, morals, or general welfare of residents, visitors, or workers in the neighborhood.

(6) The proposed conditional use will not, in conjunction with existing development in the area and development permitted under existing zoning, overburden existing public services and facilities, including schools, police and fire protection, water, sanitary sewer, public roads, storm drainage, and other public improvements and will not create a hazard by virtue of its site and location to residents, visitors, or workers in the neighborhood.

(7) The proposed conditional use shall meet all other specific standards which may be set forth elsewhere in the Code of Ordinances for such use.

(8) The proposed conditional use shall disclose the square feet of use sought for approval so that an adequate evaluation can be made of the conditional use in keeping with the standards and criteria of this article. Should any conditional use seek to expand in size, the extent of expansion shall undergo conditional use review as provided in this article.

(e) *Review by DRC*. A complete application may be reviewed by the DRC. The DRC shall determine whether the proposed use complies with the general standards of review and use regulations and development standards and all other applicable development regulations. The DRC chair shall submit a written report, incorporating the findings of the DRC, to the Planning and Zoning Board.

(f) *Review by the Planning and Zoning Board*. With the exception of those conditional uses qualifying as a minor use approval pursuant to Section 27-45(h), the Board shall conduct a public hearing in which they shall review the staff report and the project proposal, prior to making a recommendation concerning the project to the City Council. If the Board determines that the proposed use is in compliance with the general standards of review and use regulations and development standards, then the burden of proof shall switch to opponents of the conditional use or the city to demonstrate that the issuance of the conditional use approval will be adverse to the public interest. If the proposed conditional use general standards of review and use regulations and development standards are satisfied, and there has been no showing that the proposed conditional use is adverse to the public interest, then, and in that event, the Board shall recommend approval, with or without conditions, as determined appropriate. If the Board finds that the proposed conditional use is not in compliance, with the general standards of review, use regulations, and development standards or is adverse to the public interest, the Board shall recommend denial of the application. The Board may continue the public hearing for its convenience, or when necessary to allow for the presentation of any additional information or studies found necessary to make a decision based on the applicable criteria.

(g) *Review by the City Council*. With the exception of those conditional uses qualifying as a minor conditional use pursuant to Section 27-45(h), the City Council shall review and consider all conditional use applications. The Director shall transmit to the Chief

Administrative Officer a copy of the complete application and a written staff report summarizing the facts of the case including all relevant documents and the recommendations of the DRC, and the Board. The Chief Administrative Officer shall schedule the proposed application for the next available Council meeting providing that the required notice procedures are met.

(1) *Public hearing*. The City Council shall hold one public hearing on the proposed conditional use.

(2) *Action by the City Council*. In considering a conditional use request, the Council shall review the proposed use, the general purpose and standards of review, the development standards, the report of the administration and recommendation(s) of the Board, and any oral and written comments received before or at the public hearing. Based upon the record developed at the public hearings, the Council may:

a. Adopt the proposed conditional use by resolution with or without conditions; or

b. Deny the proposed conditional use by resolution; or

c. Refer the matter to the Board or administration for further consideration.

(3) *Conditions*. The Council may attach such conditions to the approval as it deems necessary to ensure the proposed use conforms to the standards set forth in section 27-45(d), and to prevent or minimize adverse effects on other property in the neighborhood, including, but not limited to, architectural design guidelines; limitations on size, bulk and location; duration of construction period; requirements for landscaping, signage, outdoor lighting, and the provision or limitation of ingress and egress; duration of the approval; hours of operation; and the mitigation of environmental impacts. The site plan submitted shall be a conceptual site plan demonstrating size, intensity, density, massing, approximate number of parking spaces, seating capacity, or other factors, and the conceptual site plan shall be a condition of the issuance of the conditional use. Alternatively, the Council may also require formal approval of a site plan simultaneous with or prior to the issuance of the conditional use building permits.

(h) *Requirements for minor conditional uses*. A minor conditional use is defined as an addition to an existing building, or a change of use located entirely within an existing building, having a gross floor area equal or less than six thousand (6,000) square feet. Minor conditional uses may be approved administratively or by the Plans Adjustment Committee as set forth in Table 45-1 below.

Table 45-1
Minor Conditional Use

Minor Conditional Use (gross square feet)	Administrative Approval	Administrative Approval (Discretionary DRC Review)	Plans Adjustment Committee (Discretionary DRC Review)
Less than 2,500 sq. ft.	✓		
Between 2,500 sq. ft. and 3,999 sq. ft.		✓	
Between 4,000 sq. ft. and 6,000 sq. ft.			✓

(1) *Criteria for approval*. In addition to other standards and criteria in this Code that apply to the proposed development, the Director in reviewing a minor conditional use shall consider:

a. Whether the minor conditional use will or may adversely affect the peaceful enjoyment of the surrounding property;

b. Whether there is any probability of an increase of any objectionable noise, vibration, fumes, odor, glare or physical activity;

c. Whether insufficient on-site parking will result and whether traffic conditions on-site, off-site, or both, will be adversely affected;

d. Whether the proposed minor conditional use may overburden existing public services and facilities, including schools, police and fire protection, water, sanitary sewer, public roads, storm drainage and other public services or infrastructure; and

e. The character of the proposed minor conditional use and the character of the surrounding property.

(2) *Director deliberations*. An administrative decision with respect to a minor conditional use approval is a discretionary administrative decision. No hearing shall be required. In those cases where the Director determines that DRC review is required, said review may take place without a DRC meeting. If a DRC member does not indicate approval of the minor conditional use application within seven (7) days of receiving the application from the Department, the DRC member shall be deemed to have objected to the application. The Department shall encourage the applicant to meet with the applicable DRC member department to determine if concerns can be met.

(3) *Referral to Plans Adjustment Committee*. If the Director does not wish to approve an application for minor conditional use approval, it may be referred by the Director to the Plans Adjustment Committee.

(4) *Effect of denial.* In the event the Director does not approve an application for minor conditional use approval, such lack of approval shall be without prejudice, and the property owner may file such applications as may be available to have the substance of the request considered de novo by proper practices and procedures other than those contained in this subsection.

(5) *Elected official "call up" procedure—City Council review*. An administrative decision to approve a minor conditional use approval shall become final fourteen (14) days after it is reduced to writing and:

a. placed in the mail addressed to the applicant;

b. placed in the mail addressed to all property owners as disclosed by the most recent tax roll within three hundred (300) feet of the property for which the minor conditional use was granted; and

c. transmitted to the elected officials. The notice of the decision must advise the addressees of the right of any Councilmember to require the City Council's quasi-judicial consideration of the matter, provided a Councilmember makes the request to the City Clerk during such fourteen-day time period to advertise the matter for consideration at the next reasonably available City Council meeting. The City's regular advertising requirements shall apply to the City Council meeting at which the item will be considered (i.e., the proposed minor conditional use shall be advertised in the same manner as a conditional use), and at such advertised meeting, the City Council may approve or deny the application.

(i) *Effect of Approval or Denial.*

(1) *Eligibility to Apply for Permits*. Final approval of the application authorizes the applicant to proceed with any necessary applications for final site plan approval, building permits, certificates of level of service, and other permits, which the city may require for the proposed development. No permit shall be issued for work that does not comply with the terms of the conditional use approval.

(2) *Expiration of Conditional Use Approval*. Unless otherwise provided in the approval, the conditional use application shall be deemed void and terminated, if the recipient does not obtain site plan approval or a building permit for the proposed development within one (1) year (365 days) after the date of the final approval of the conditional use. Once a site plan is approved, the conditional use approval period will run concurrently with the established site plan approval period. An applicant who has obtained conditional use approval may request an extension of this time period by

filing with the Department, within the 365-day period, a letter stating the reasons for the extension request. Up to a 180-day (6 non-calendar months) extension may be granted administratively by the Director, if determined by the Director that the extension request is based on just cause and a reasonable justification by the applicant and provided that the application is filed at least 30 days prior to the expiration of the site plan approval. The Council may, at a regular meeting, grant an extension of up to 365 days for good cause and a reasonable justification shown by the applicant.

(3) *Rescinding of Approval by Abandonment of the Use*. Any discontinuation of an approved conditional use for a period of 180 consecutive days, as determined by the Director, shall constitute an abandonment and shall rescind the approval of the conditional use. Prior to determining an abandonment, the Director shall contact the property owner, as shown on the most current ad valorem tax rolls maintained by the Broward County property appraiser, by certified U.S. first class mail, return receipt requested, advising the property owner that the property owner has not more than 15 days to contact the Director by setting an appointment with the Director to discuss the potential finding of an abandonment. 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. Any adversely affected person may appeal the decision of the Director pursuant to the appeal process set forth in sections 27-55(j) – 27-55(m) of this Code. Any applicant shall be advised in writing at the time the written decision is rendered, how they may appeal the decision.

(j) *Amendments and Alterations to Approved Conditional Uses.*

(1) Any expansion to an approved conditional use and any addition to or expansion of an existing conditional use shall require the same application, review and approval as required for the original approval of the conditional use.

(2) Minor changes in the site plan or design details of an approved conditional use which are consistent with the standards and conditions applying to the conditional use and which do not result in additional external impacts, such as a minor shift in the location of a building or structure, the realignment of parking spaces and drive aisles, the relocation of a driveway, for example, may be approved administratively. No increase in the intensity, density, or change in use shall be considered a minor change for the purposes of this section.

(k) *Limitation of Approval*. Conditional use approvals granted by the City are non-transferrable. Individuals or corporations wishing to continue an existing business use for which a conditional use was granted by the City must re-apply for conditional use approval.

Sec. 27-46. - Amendments to the Trafficways Plan.

An applicant requesting an amendment to the Broward County Trafficways Plan (BCTWP), shall submit the proposal to the department for review. The city must endorse and submit all amendments to the BCTWP. The proposal shall be reviewed and considered by the DRC. Subsequent to the DRC meeting, department staff shall make a recommendation to the City Council. If approved by the Council, the resolution shall be transmitted to Broward County for consideration. BCTWP amendments require one public hearing with the County, unless the proposed amendment is for realignment only. The DRC and Council shall make a determination regarding the amendment based upon the following criteria:

(1) The goals, objective, policies, and other applicable requirements of the city's comprehensive plan and the Broward County comprehensive land use plan; and

(2) All applicable codes of the City; and

(3) Approved and accepted engineering design standards; and

(4) Mitigation of all traffic impact to both on-site and off-site development.

Sec. 27-47. – Subdivision Plats.

(a) *Purpose*. The purpose of this section is to ensure that all lands included within subdivisions will be suitable for the various purposes proposed in the request for subdivision approval; that all subdivisions will be served adequately and economically by public facilities and services which may be necessary in each particular case; and to establish the procedures and requirements for obtaining approval of a plat of a subdivision as defined by F.S. part 1, chapter 177, as well as procedures related to amending plats and related instruments. No plat of subdivision lying within the city shall be recorded in the public records of Broward County prior to approval by the City Council. When any subdivision of land is proposed, and before any permit for the erection of a principal structure in such proposed subdivision shall be granted, the subdivider or a duly authorized agent shall secure approval of and record in the official records such proposed subdivision in accordance with established procedures. No plat application shall be considered by the city unless the zoning district of the site is in conformance with the land use designation in the comprehensive plan future land use element.

(b) *Types of Plats Required*. The city will consider two types of plats for approval: perimeter subdivision plats and full subdivision plats. The requirements for each type of plat are included below. A property owner/developer may submit either of the two types of plats provided for review and approval. A full subdivision plat or re-plat shall be approved by the city and recorded in Broward County's records for all land with residential fee-simple ownership lots. A perimeter subdivision plat satisfies the requirements for both a plat of nonresidential land and a plat of residential land without fee-simple ownership. Certificates of occupancy shall not be issued for buildings within the property until the plat has been recorded.

(c) *Plat Required*. No building permit shall be issued for a principal building unless a plat, including the parcel(s) of land on which the building will be constructed has been approved by the Broward County Commission and recorded in the public records of Broward County subsequent to June 4, 1953, PB 32-15.

(d) *Plat Exceptions.* This platting requirement shall not apply to:

(1) Parcels of land regardless of size owned by the city or any other unit of government which is proposed to be improved for a valid public purpose.

(2) Construction of two or fewer single-family dwelling units; or

(3) Construction of a primary building or structure or on any single family, multifamily or nonresidentially zoned lot or parcel, which is both less than five acres in size and also specifically delineated on a plat recorded on or before June 4, 1953.

(4) No one acting alone or in concert with others may by common scheme develop more than five acres of contiguous or adjacent property for intended private (nonpublic) usage under the platting exemption set forth herein

(e) *Site Data Records*. In those instances, and only those instances, where Broward County does not require platting or re-platting, the City may require a site data record. See Section 27-48 for site data record requirements.

(f) *Plat Review*. An applicant for plat approval shall submit either a partial subdivision plat or full subdivision plat pursuant to the requirements. Plats shall be reviewed by the DRC, and approved or denied by the Council. Plat application forms, along with all established and required fees, documents, and plans, shall be submitted by the applicant to the Department. The application shall include all of the drawings required in the City's plat submittal requirements document and as required in F.S. §§177.041 through 177.061, 177.081, and 177.091, the requirements set forth in §5-189(a) through (c) in the Broward County Code of Ordinances, as amended from time to time.

(g) *Review by DRC*. The DRC shall meet to determine if the proposed plat complies with the submittal requirements and all other applicable land development regulations. The DRC shall review with particular attention to such factors as: width, arrangement, access, location and type of streets; dedications; surface drainage; water supply; sewage disposal; lot sizes and arrangements; requirements for parks, open space, school sites, public building sites; common areas; lot designation, size, and dimensions; proposed stormwater treatment and drainage system; what properties are to be dedicated and to whom the properties will be dedicated; the creation or existence of any easements, the purpose of said easements, the location and size of said easements, and what person or legal entity will hold title to and maintain said easements; the location and size of common properties and what person or legal entity will hold title to and maintain said property; any security for performance or maintenance of properties to be dedicated to the public, including, but not limited to, rights-of-way and utility easements; and the adopted level of service standards. The DRC shall also

review any documents relating to the creation of a property or home owners' association and covenants, conditions, easements, and restrictions, common to all or portions of the subdivision. Prior to the final DRC review of the proposed plat and subdivision-related documents, the plat and said documents will be submitted to the city attorney for review and comment. The DRC chairperson shall submit a written report incorporating the findings of the DRC to the applicant.

(h) *Review by City Council*. All plats must be submitted to the City Council for action at a public hearing. Once the plat and all required supporting documentation have been received by the staff and reviewed under the authority contained in the LDR the Director shall submit the DRC report to the chief administrative officer, for transmittal to the City Council.

(1) The City Council shall review the plat application and the recommendations of the DRC and take one of the following actions:

a. Approve the plat as presented if the plat is found to be in conformance with these regulations, and issue a resolution setting forth such approval; or

b. Approve the plat with conditions, and issue a resolution setting forth such approval and conditions; or

c. Disapprove the plat when not found to be in conformance, setting forth the reasons for such disapproval.

(2) No plat shall be approved unless:

a. It is consistent with the comprehensive plan; and

b. It meets all requirements of the LDR; and

c. It meets all requirements of the city's plat submittal requirements document; and

d. It meets, or at the time of recording it will meet, all applicable requirements of F.S. §§177.041 through 177.061, 177.081, and 177.091; and

e. The requirements set forth in §5-189(a) through (c) in the Broward County Code of Ordinances, as amended from time to time; and

f. It furthers the public health, safety, welfare, aesthetics, and interest.

(3) The approval of any plat is conditioned by the payment of: any ad valorem taxes due prior to recording as required from time to time by law, the payment of any impact fees or fair share contributions due at or prior to the time of recording of the plat; and the conveyancing of any tracts or parcels of land or interests in land that the city

desires to be conveyed, as opposed to being dedicated, simultaneous with recording of the plat or as otherwise directed in any plat approval.

(i) *Endorsement of the Plat*. Upon approval of the plat by the Council, it shall be endorsed by the DRC Chair, City Engineer and the Mayor and attested to by the City Clerk. The Department shall forward the signed original of the plat to the applicant for county approval. A plat containing dedications of any interest in property, when properly recorded, shall constitute a sufficient, irrevocable conveyance to vest in all legal and equitable interests in the parcels of land so dedicated, to be held by the City in trust and the approval of the plat by the Council shall have the force and effect of an acceptance of said legal and equitable interest. However, nothing shall be construed to create any obligation on the part of the city to perform any act of construction or maintenance within a dedicated area unless or until that obligation is voluntarily planned, budgeted and implemented by the city.

(j) *Prior to recordation.*. Prior to plat recordation, the property owner and developer shall have satisfied all the conditions of plat approval by the Council, executed approved agreements concerning the payment of the developer's share of required public facilities, impact fees, and any other requirements of the plat approval.

(k) *Time Limitations of Plat Approval*. The burden is on the property owner and the developer to record the plat in the public records within the time specified by Broward County. Failure to record within the time specified by Broward County shall render the approval of said plat terminated, null and void.

(l) *Enforcement Provisions*.

(1) *Recording of Plat*. No plat shall be recorded in the public records of Broward County or have any validity whatsoever until it shall have been approved in a manner prescribed herein and the plat shall incorporate all changes or modifications required by the Council. In the event any such unapproved subdivision is recorded, it shall be considered invalid and the Council may institute court proceedings to have it stricken from the public records of Broward County, Florida at the applicant or owner's cost. The foregoing requirement is a condition of any plat application.

(2) *Permits*. The building official shall not issue any building permit for any habitable and occupiable structure to be constructed within the city until the plat is recorded with the county, unless the property owner has entered into a tri-party agreement approved by the city pursuant to Sec. 27-47(n)(1).

(3) *Public Improvements*. The Council hereby determines it to be public policy that the City shall withhold all public improvements and services of whatsoever nature, including the maintenance of streets and the furnishing of sewerage facilities and water services to all subdivisions or parcels of land which public improvements and utilities along with required easements and deeds, free and clear of all mortgage or other security interests or in the event of an easement, joined in and consented to by the mortgage or other security interest holder, have not been conveyed and accepted

by the Council in the manner prescribed by the code. All deed and easement deeds conveyed shall require that the property owner/grantor shall covenant with said the grantee that the property owner/grantor is lawfully seized of said land in fee simple; that the property owner/grantor has good right and lawful authority to sell and convey said land; that the property owner/grantor does hereby fully warrant the title to the said land and will defend the same against the lawful claims of all persons whomsoever; and that said land is free of all encumbrances, except as otherwise described in the conveyance.

(4) *Revision of Plat Subsequent to Approval*. Prior to recording any plat in the public records of Broward County, the property owner shall provide to the city engineer a copy of the subject plat reflecting all corrections and/or modifications which may have been made subsequent to the plat approval by the Council. The city engineer shall then review the plat to determine if any revisions or modifications have been made that are contrary to or inconsistent with that approval. After review, the city engineer will provide the property owner with a letter which will either authorize recordation of the revised plat or require that the revised plat be returned to the City Council. Any adversely affected person may appeal the decision of the city engineer pursuant to the appeal process set forth in sections 27-55(k) of this Code. Any applicant shall be advised in writing at the time the written decision is rendered, how they may appeal the decision.

(5) *Failure to Satisfy Conditions of Approval*. A failure to satisfy conditions of approval whether conditions precedent or subsequent to plat recordation, shall be reported to the chief administrative officer by the city engineer or the Director. If upon written notice by the chief administrative officer or said designee, the applicant or property owner fails to correct the failures within the timeframe set by the chief administrative officer, the Council shall be notified which shall upon notice to the property owner hold a public hearing. If the Council finds that the conditions have not been satisfied, then the city shall take immediate corrective action to ensure compliance.

(m) *Modifications to recorded plats*. A property owner may petition to modify a recorded plat. Application forms, along with all established and required fees, documents, and plans, shall be submitted by the applicant to the Department, and are subject to DRC review and administrative approval.

The modifications listed below may be accomplished upon a finding by both the City Engineer and the DRC Chair that the subject property was platted subsequent to June 4, 1953, and that the regulations have been met. The following types of development shall be deemed to be exempt and not subject to the provisions of the mandatory platting requirements of the LDR:

(1) No change to a recorded plat is created or no development is undertaken except in conformance with the recorded plat or as specifically allowed in this section.

(2) The dedication of land or any interest in land to any governmental agency, entity or political subdivision.

(3) The division of a multi-family residential zoned platted lot to permit individual ownership in conformance with all applicable zoning and Florida Building Code provisions.

(4) The combination of lots and/or portions of lots (i.e., unity of title) in a residential zoning district to create a common building site provided that the property owner presents an instrument recordable in the public records of Broward County, Florida, identifying the boundaries of the building site and the intent to develop and convey as one site or parcel in perpetuity or so long as the proposed use exists said instrument must be presented to the Department for acceptance or rejection. No combination shall be approved where it would allow violation of any other code provisions.

(5) The combination of parcels and/or portions of parcels (i.e., unity of title) in a nonresidential or mixed-use zoning district to create a common building site provided that the property owner presents an instrument recordable in the public records of Broward County, Florida, identifying the boundaries of the building site and the intent to develop and convey as one site or parcel in perpetuity or so long as the proposed use exists. Said instrument must be presented to the Department for acceptance or rejection. No combination shall be approved where approval would allow violation of any other code provisions.

(n) *Building Permits Prior to Plat Recordation*. Except as provided for in this section, no person or legal entity, shall be eligible for any building permit for a principal building on property located within the city for land which requires platting.

(1) A building permit may be issued for a parcel of land for which plat approval has been given by the Board of county commissioners and the City Council, although the plat has not yet been recorded, provided such authorization is granted in a tri-party agreement among the developer, the property owner, the city and the county. The agreement shall be joined in and consented to by any mortgagee or holder of a security interest in the parcel of land or any portion thereof. Such agreements shall, at a minimum, require compliance with the applicable provisions of plat approval and shall prohibit both the issuance of a certificate of occupancy, and the contract for sale, agreement for deed, or lease of any such lot to the ultimate consumer until the plat is recorded. The city and county shall be required to make a finding that facilities and services will be available at the adopted level of service standards concurrent with the issuance of the building permit.

(2) A building permit may be issued for an essential governmental facility after preliminary plat review where the Broward County Board of county commissioners and the City Council find that immediate construction of the governmental facility is essential to the health, safety, or welfare of the public and where the county and city determine that public facilities and services will be available at the adopted level of service standards concurrent with the impact of development of the governmental

facility. Such a finding shall be made by agreement between the city and county. A certificate of occupancy shall not be issued until recordation in the public records of the plat.

(o) *Plat Note and Non-Vehicular Access Line Amendments* Subsequent to Plat Recordation.

(1) All applications to change a notation on a plat or site data record (so as, for example, to change the noted development type or increase intensity approved thereby, or to change nonvehicular access lines, etc.), which applications are made by delegation requests or otherwise, shall be reviewed by the DRC, except when the Planning Zoning and Economic Development Director determines, upon consultation with the City Engineer, that the application is necessary to implement a valid City Council approved site plan upon which building permits may be issued and is consistent with such site plan in which latter event the application may be approved by the Planning Zoning and Economic Development Director.

(2) When applications to change a notation on a plat or site data record are made, by delegation request or otherwise, without a concurrent application for site plan approval, and after same have been reviewed by the DRC, the application may proceed to the City Council without any further advisory Board review. The applications shall be evaluated in accordance with the requirements of this Article.

(p) *Vacation of Easements and Rights-of-Way*.

(1) A property owner may petition to modify an easement or right-of-way on a recorded plat. Vacation of an easement and right-of-way application forms, along with all established and required fees, documents, and plans, shall be submitted to the city by the applicant to the Engineering Department, and are subject to DRC review, and are subsequently approved or denied by the Council.

(2) The Council may, of its own motion, or upon petition of any person, adopt a resolution vacating, abandoning, discontinuing, and closing any existing public or private street, alleyway, road, highway or easement, and renouncing and disclaiming any right of the City and the public to any land in connection therewith. The resolution, as adopted, shall be recorded in the public records of the County.

(3) The applicant may file an application to vacate or abandon an easement or a right-of-way or portion thereof. The application shall include:

a. *Location map.* A drawing which clearly and legibly identifies the location of the application site in relation to the nearest public rights-of-way, excluding the site of the right-of-way or easement to be vacated, and all affected properties; the location map may be located on the survey provided for below; and

b. *Abutting property and affected property.* The application shall include a map that identifies the boundaries of abutting properties and the name(s) of all

property owners of property abutting the right-of-way to be vacated, as depicted on the Broward County ad valorem tax rolls as of the date of the application; and

c. *Survey.* A land survey certified to and for reliance by the city certified to by a State of Florida licensed mapper and surveyor. Said survey shall measure not larger than 8.5 inches by 14 inches and shall be prepared in accordance with the minimum technical standards of F.S. § 472.027, and F.A.C. ch. 21HH-6, and attached as an exhibit to the application. The survey shall be certified to and for reliance by the city and must be prepared by a registered and licensed Florida surveyor and mapper. The survey shall be current, no older than 180 days prior to the date of application (or brought up to date) and depicts current conditions on the subject property. Said survey shall be prepared in accordance with the minimum technical standards of F.S. § 472.027, and F.A.C. Ch. 21HH-6, and attached as an exhibit to the application. The survey shall also contain or depict an accurate drawing and legal description of the right-of-way or easement to be vacated, and the boundaries of abutting properties with the identifying designation of those properties;

d. Opinion of title for easement applications; and

e. Completion of an application and payment of required application fees.

(4) An easement or right-of-way may be considered for vacation upon the following requirements being satisfied by the applicant:

a. The vacation is consistent with the comprehensive plan. Merely showing an easement or right-of-way in a comprehensive plan map shall not be interpreted as mandating that the vacation application is inconsistent with the comprehensive plan; and

b. Establishment that the easement or right-of-way is no longer needed or will not be needed in the foreseeable future, by the city, the county, the state, the federal government, the general public, or a utility. Traffic studies may be submitted as supportive evidence to satisfy this criterion; and

c. That there is convenient access of property owners on adjoining street rights-of- way and that property owners contiguous with the right-of-way will not be adversely affected by the vacation; and

d. That the city has received written approval or consent from affected utilities to the abandonment of the right-of-way or an easement. If existing utilities or improvements are located in the application site, any provisions for the utilities or improvements to be relocated shall be defined in writing by the affected utility. Written consent of the utility if a new utility easement will be created within or over the original application site for existing or planned

utility equipment located in the right-of-way that is being considered for vacation; and

e. A determination whether any geographic areas within 1,000 feet may be impacted by the proposed action and the nature and degree of impact; and

f. A determination of what other additional property, easements, utility relocations, agreements or other actions may also be required to accommodate the proposed action. The applicant may be required to provide an alternative right-of-way or easement; and

g. Identification and evaluation of the nature and degree of any impacts that the proposed action might have on the delivery and provision of service by public service vehicles.

(5) No right-of-way or public easement giving access to any publicly accessible waters in the city shall be closed, vacated or abandoned except in those instances wherein the applicants offer to trade or give to the city comparable land for a right-of-way or public easement that provides access to the same body of water. Such access shall not create a hardship on the users. A determination on this, as well as the distance and comparable land being offered, shall be left to the discretion of the City Council.

(q) *Encroachment into Platted Easements*. Any encroachment such as but not limited to fences, walls, sheds, signs, landscaping shall not be allowed on a public utility easement adjacent to a roadway right-of-way (either private or public). Notwithstanding anything to the contrary, the chief administrative officer or designee may issue a revocable license agreement to encroach into easement on a platted utility easement or an easement used for utility purposes provided the following conditions are met:

(1) The encroachment on the platted utility easement used for utility purposes is de minimis in nature, as determined by the city; and

(2) The encroachment is a result of a permitted or approved structure or house meeting the city's setback requirements at the time the permit was issued; and

(3) All utilities having the right to the affected easement consent in writing to the encroachment; and

(4) The city or utility removing or destroying of any fence, walls, shed, sign, or landscaping for work within the easement, shall not be liable to the property owner or occupant and shall not be responsible for repair or replacement of any fence, walls, shed, sign, or landscaping.

(r) *Schematic Subdivision Improvements Plan*.

(1) *Filing*. Concurrent with the submission of a subdivision plat, the applicant must submit a schematic subdivision improvements plan for all improvements necessary

to bring water, sewer, roads and other required public improvements to the site including all paving, grading and storm drainage facilities required by the plat. Schematic engineering plans shall conform to the plat and the City's subdivision improvements standards and specifications as established by the City. The plan shall be 24 inches times 36 inches size and to a scale of not more than one-inch equals 100 feet or as determined at the discretion of the City Engineer.

(2) *Review and approval of schematic improvement plans*. The City Engineer and Utilities Director shall review the schematic subdivision improvements plan and shall approve, approve with conditions, or deny said plans. Any denial shall include an explanation of why the schematic subdivision improvements plan was denied.

Sec. 27-48. – Site data records.

(a) *Applicability*.

This article shall apply to any application for building permits requested on those parcels of land exempted from platting as set forth in section 27-47(d) wherein the building permit has not been issued. Although a site may be exempt from platting, it shall still meet the applicable level of service (LOS) requirements in Section 27-49, entitled, "Level of service standards."

(b) *Site data record requirements*.

The applicant for a building permit seeking to utilize the waiver of platting requirements as set forth in section 27-47(d) shall submit to the Planning Zoning and Economic Development department a site data record fulfilling the following requirements:

(1) The site data record must be prepared by a licensed Florida land surveyor who shall certify that said site data record was made under his direction; that said site data record conforms to the minimum requirements adopted by the Florida Administrative Code, section 21HH-6, Minimum Technical Standards for Land Surveyors in the State of Florida, a minimum of four permanent reference markers as shown on said record, shall also be certified as having been set where indicated (one at each corner of said parcel). Coordinates shall be shown on all boundaries of said parcel and at least two bench marks shall be shown referenced N.G.V.O. the same to conform to third order accuracy.

(2) The record shall demonstrate, and the surveyors shall certify, that it complies with the requirements of the city, as to the location of easements or rights-of-way needed by governmental agencies and their franchisees to serve the land.

(c) *Approvals*.

(1) The site data record shall be submitted to the department which shall indicate its approval on the site data record.

(2) If the subject land lies in any local drainage district, the record shall be submitted to the drainage district prior to the time the application is filed with the department, and the Development Review Committee shall not review the record until a copy of the district application stamped "received" is obtained by the Director.

(3) All site data records which have obtained the approval of the city DRC and the legal department, shall be submitted to the City Council for approval by resolution. The Planning Zoning and Economic Development Department shall not complete compilation of the agenda packets until the local drainage district has completed its conceptual review and delivered to the Building Department evidence of same; thereafter, the agenda material on the item will be compiled and delivered to the City Clerk for appropriate advertising, if required, and for setting the meeting date at which the item will be considered by the City Council. If approved, the site data record shall not be filed of record in the public records of Broward County, Florida.

(4) An executed Mylar of the site data record as so executed and approved shall be filed with the Planning Zoning and Economic Development department simultaneously with the request for an issuance of a building permit thereof.

(5) Nothing herein shall be deemed to constitute any approval of the conveyance of land by reference to the site data record, regardless of whether the same be placed of record in the public records of Broward County, Florida. Unless and until the land within the site data record as defined herein, is platted as provided by law all conveyances of the parcel depicted by the site data record shall be by the legal description contained herein.

(d) *Amended record.*

Should an applicant seek a primary building permit on land included in a previously approved site data record on a building site not depicted therein, then (if all other requirements in this chapter have been met) an amended site data record shall be submitted to the department along with the title opinion or abstract certification called for in depicting the building site, with its identified legal description, and once the legal description is approved by the engineering department and the title information approved by the legal department insofar as proper execution of the amended site data record is also approved, and the approval of the Old Plantation Water Control District or the Plantation Acres Improvement District for any land within either of such district's boundary is obtained, and a fee submitted for such amended site data record is paid, the Building Department shall administerially issue such primary building permit without further review or approval being required.

(e) Contents.

(1) Each site data record shall indicate thereon all required rights-of-way and easements with reference to the book and page of the official records of Broward County where such conveyances were recorded.

(2) If any site data record encompasses two or more building sites then the site data record shall contain a separate metes and bounds description to each such building site. A building site shall be delineated on the site data record and the description tied to the delineation in some appropriate fashion.

(3) Every site data record submitted to the city must be accompanied by a title opinion of an attorney-at-law licensed in Florida, or a search certification by an abstractor or title company, showing that apparent record title to the land as described and shown on the site data record, is in the name of the person, firm or corporation applying for such waiver of platting requirements or executing any of the required easements or rights-of-way. The certificate shall be accompanied by a photocopy of each and every instrument referenced therein. The title opinion or certification shall also show all mortgages not satisfied or released of record.

(4) The surveyor's certificates to be appended to and made a part of the site data record shall read as follows:

"I hereby certify that this site data record is a true and correct representation of the land surveyed and described herein and that the site data record was made under my responsible direction and supervision and that this data complies with all the City Council approved guidelines of the city's planning consultant as to location of easements and rights-of-way referred to herein. The P.R.M.'s as shown on the site data record have been set where indicated. All coordinates and bench marks conform to third order accuracy. The survey information meets the Florida Administrative Code, section 21HH-6, Minimum Technical Standards for Land Surveyors in the State of Florida. All recorded easements and rights-of-way for utilities, waterways, drainage, access and other information pertaining to the site have been indicated herein."

Sec. 27-49. – Level of Service Standards.

(a) *Purpose*. This section is intended to ensure that development is consistent and prevents the issuance of development orders which result in a reduction in the level of service, below public facility standards, as provided within the comprehensive plan and this Code.

(b) *Monitoring System*. The chairperson of the DRC shall be responsible to develop and maintain a system wherein the public facilities' capacities shall be monitored in an up-to-date manner as reasonably possible. The capacity monitoring system shall also be known as the city's concurrency management system. This system shall track and monitor the facility capacity, usage through existing developments, surplus or reserve capacity both existing and proposed through planned capital improvements projects, and usage through committed development (approved but not constructed). The chairperson shall also use such system to prepare reports to be submitted to the chief administrative officer.

(c) *Applicability*. Unless exempted under the provisions of section 27-49(d) below, all development which must receive plat, site data record, rezoning, land use plan amendment

or site plan approval and will impact the facilities for which the city monitors level of service compliance shall obtain a final certificate of occupancy upon a determination that all levels of service, design and construction standards have been met.

(d) *Exemptions*. The following development shall be exempt from the requirements of this section. A valid and approved development order which was final on the effective date of this Code, under the provisions of F.S. §380.06, and which contains conditions which ensure that adequate public facilities will be available consistent with the standards of this section. In such event, application for individual level of service compliance determination shall not be required so long as the terms and conditions of the final adopted development order are met.

(e) *Standards*. A DRC determination for approval of the final plat, site data record or site plan shall not be issued for any development unless it is determined that planned and committed improvements have sufficient capacity to provide the design public facility level of service for all existing, permitted projects and the proposed development.

(f) *Determination of Available Capacity. Except as further defined below, the available capacity of a public facility shall be determined by*:

(1) Adding together:

a. The total capacity of existing public facilities; and

b. The total capacity of new public facilities that will become available concurrent with the impact of development. The capacity of new public facilities may be counted only if one or more of the following is shown:

1. Construction of the new public facilities is under way at the time of the application; or

2. The new public facilities are the subject of a binding contract for the construction of the facilities or the provision of services at the time the development permit is issued; or

3. The new public facilities, excluding water, wastewater, or solid waste, have been included in the first three years for initiation of construction and completed in five years of the city, or the Broward County capital improvement program budget or the appropriate capital improvement program budget of the implementing agency. The new public facilities, including water, wastewater, and solid waste, will be complete prior to or simultaneous with the issuance of the first certificate of occupancy for the new development; or

4. The new public facilities are guaranteed in an enforceable development agreement. An enforceable development agreement may include, but is

not limited to, development agreements pursuant to F.S. § 163.3220, or an agreement or development order issued pursuant to F.S. §380.06.

(2) Subtracting from that number the sum of:

a. The demand for the public facility service created by existing development; and

b. The new demand for the public facility service that will be created concurrent with the impacts of the proposed development by the anticipated completion of other presently approved developments.

(g) *Roads*. The DRC shall certify compliance with specifications and Level of Service (LOS) standards adopted by the city and Broward County for roadway capacity. Developments shall not be approved unless it is determined that adequate road capacity is available or will be available prior to the granting of a certificate of occupancy. The city engineer shall be responsible for determining road capacity.

(1) Traffic Studies and Analysis.

a. The Engineering Department may require an applicant to provide a traffic analysis regarding the potential impact of the proposed development on the road network within the city. All public roads within the city; including local, county, state and federal roads, excluding those roads listed in section 27-49(g)(2) shall be required to operate at a LOS D or better on a peak hour basis. If it is determined that any proposed development would result in any road being over capacity then the Engineering Department shall require improvements to be made in compliance with the adopted standards.

b. When a site plan, plat, site data record, rezoning or LUPA application has been submitted to DRC, a traffic impact study shall be provided as per the guidelines established by the city engineer. Any roadway impact due to the proposed development must be mitigated by the developer prior to the issuance of the first certificate of occupancy for the development.

c. The property owner is responsible for signalizing all full intersections where private roadways within the development intersect with a public right-of-way, when a signal is warranted and approved by the appropriate regulatory agency. The signal warrants study must be paid for by the property owner. A traffic signalization agreement needs to be executed between the city and the property owner that details obligations for the construction of the traffic signal.

(2) The LOS of road segments operating below LOS D, according to the Broward County trips model and those segments operating below LOS D, shall not be permitted to

deteriorate below 110 percent of the capacity of the roadway at LOS D on an AADT basis, except as provided for in section 27-49(g)(3).

(3) If road segments are operating below LOS D, a building or engineering permit shall be issued only in the following circumstances:

a. The property is not within the compact deferral area for a planning improvement facility operating below LOS D on the Broward County trips model; or

b. The property is within the compact deferral area for a planning improvement facility which is operating below LOS D on the Broward County trips model, but one of the following conditions applies:

1. The approved development would not cause deterioration below the "110 percent maintain" level of service and the traffic generated by the proposed development would not prevent the planned improvement from providing LOS D after construction; or

2. There is an approved action plan to accommodate the traffic impact of the development; or

3. The necessary improvements to provide LOS D or better are under construction at the time a permit is issued; or

4. The necessary improvements to provide LOS D or better are the subject of a binding executed contract for the construction of the roadway facilities; or

5. The necessary improvements for LOS D or better have been included in Broward County's capital improvement plan annual budget or the appropriate capital improvement program budget of the implementing agency. Said improvements must be shown to begin construction within the first three years with completion scheduled by the fifth year; or

6. The necessary facilities and services for LOS D or better are guaranteed in an enforceable development agreement. An enforceable development agreement may include, but is not limited to, development agreements pursuant to F.S. § 163.3230, or an agreement or development order issued pursuant to F.S. §380.06, provided that road improvements required by a development order for a DRI shall not be considered for concurrency for property outside the boundaries of the DRI unless provision c. or d. above has been met.

(4) Traffic concurrency determinations for redevelopment shall be based on the net impact of redevelopment.

(5) Transportation Proportionate Fair Share Contributions.

a. An applicant may choose to satisfy the transportation concurrency requirement by making a proportionate fair share contribution to an eligible transportation project listed in the Broward County capital improvements element, pursuant to the requirements set forth in Sec. 5-182(a)(5)b) of the Broward County Code of Ordinances.

b. In addition to satisfying the requirements of paragraph (a) of this subsection, the applicant may also be required to mitigate its impacts on the city's roadway system within the city by providing for a proportionate fair share contribution to an eligible transportation improvement within the city's five-year schedule of capital improvements.

(h) *Potable Water*. Potable water shall be available at the rate of 325 gallons per equivalent residential connection concurrent with demand.

The DRC shall certify compliance with specifications and standards adopted by the city and the adequacy of potable water distribution and transmission systems and water plant capacity to service the proposed development. A development shall not be approved unless it is determined that adequate potable water service is available or will be available prior to the granting of a building permit. The Utilities Director shall be responsible for determining potable water capacity.

(i) *Wastewater Treatment Capacity*. Wastewater treatment capacity shall be available at the rate of 300 gallons per day per equivalent residential connection.

The DRC shall certify compliance with specifications and standards adopted by the city, and the adequacy of sanitary sewage collection and transmission systems and wastewater treatment and disposal capacity to service the proposed development. A development shall not be approved unless it is determined that adequate wastewater service is available or will be available prior to the granting of a building permit. The Utilities Director shall be responsible for determining wastewater treatment capacity.

(j) *Solid Waste Disposal Capacity*. The DRC shall certify compliance and adequacy of solid waste disposal capacity. A development shall not be approved unless it is determined that adequate solid waste storage facilities and disposal capacity exist or will exist at the time of the issuance of a building permit. The City’s solid waste contractor shall be responsible for determining solid waste disposal capacity. The proposed development shall be designed to provide adequate areas to store solid waste until collection time, at the following levels of service in Table 49-1:

Table 49-1
Solid Waste Level of Service Standards

Land Use	Level of Service
Residential	8.9 lbs. per unit per day
Industrial and Commercial	
Warehouse Distribution/Manufacturing	2 lbs. per 100 SF per day
Office	1 lb. per 100 SF per day
Department Store / Shopping Center	4 lbs. per 100 SF per day
Supermarket	9 lbs. per 100 SF per day
Restaurant	2 lbs. per meal per day
Drugstore / Pharmacy	5 lbs. per 100 SF per day
Schools	
Elementary Schools	10 lbs. per room +.25 lbs. per student per day
Middle/High Schools	10 lbs. per room +.25 lbs. per student per day
Institutional Uses	
Hospital	8 lbs. per bed per day
Special Residential Care Facilities	3 lbs. per person per day

(k) *Parks and Recreational Areas*. The owner of land who has applied for approvals for residential development pursuant to the applicable land development regulations shall be required to provide for the park, open space, and recreational needs of the future residents of the developed areas. Parks and recreational areas shall be available at the rate of four acres per 1,000 residents, concurrent with demand.

The DRC shall certify compliance with specifications and standards adopted by the City and the adequacy of park land conveyed by the developer or property owner and/or park land funds to meet the obligations of the proposed development. A development shall not be approved unless it is determined that adequate park land area is available or will be available prior to the granting of the first building permit for the new development.

Park and recreation facilities will be adequate to serve the proposed development and meet the Broward County Regional Parks requirement and the city land use plan and comprehensive plan. From and after November 15, 2013, the city shall treat the proposed development as meeting the city land use plan requirements upon receiving the impact fees set forth in Article IV, Chapter 19 of this Code.

(l) *Drainage*. The DRC shall certify compliance with specifications and standards adopted by the City, and the adequacy of grading and drainage plans and capacity within the drainage system. The City Engineer shall be responsible for determining drainage capacity. The proposed development shall be designed to provide adequate areas and easements for the construction and maintenance of a stormwater management system for stormwater treatment and drainage which conforms to all regulatory agency requirements and Chapter 9 of the City Code or Ordinances. The applicant shall be responsible to secure the approvals of the

applicable water management and drainage districts. Prior to the City Engineer certifying level of service compliance, the applicant shall provide proof of the water management and drainage district approvals.

(m) *Adequacy of Fire Protection*. The DRC shall certify compliance with specifications and standards adopted by the city regarding the adequacy of fire protection services to meet the demands of the proposed development. The Fire Chief shall be responsible for determining fire protection capacity. Development shall not be approved unless it can be determined that adequate fire protection services will be available prior to occupancy through a Fire Protection Agreement. The city shall treat the proposed development as meeting the city land use plan requirements upon receiving the impact fees set forth in Article IV, Chapter 19 of this Code.

In assessing the adequacy of fire protection. The Fire Department will utilize the following standards:

(1) Fire protection service will be adequate to protect people and property in the proposed development.

(2) The city fire department shall be consulted to determine whether or not the locations of functioning, manned, and equipped fire stations provide the proposed development with the level of fire protection set by the city fire department to meet the Southeast Fire Underwriter's Reaction Time requirements.

(3) Applications for water must be made to the city utility department as to the procedure and criteria established in Chapter 26 Utilities, and services, capacity, and feasibility of the proposed project.

(4) Water supply facilities, existing or proposed to be constructed by the proponents of the development, shall be adequate to meet fire protection needs of the proposed development:

a. If the proposed development is less than 1,320 feet (one-fourth mile) from existing public water supply, the water supply must be extended to the new development. The means for funding extensions of public water supply mains are described in sections 26-146 and 26-76 et seq. of the Code.

b. In the case of urban residential developments with lot sizes of 34,999 square feet or less, totaling 200 or more units, the water system used for fire flow must meet the water flow requirements set by chapter 26. A single water supply system for both potable and fire water service may be used provided it meets the requirements of chapter 26.

(5) Fire hydrants, if required, shall be installed with distances measured along street rights-of-way, according to section 26-76 et seq.

a. In proposed residential development of single-family dwellings, fire hydrants shall be installed at 800 feet intervals with a minimum size of six inches, and no structure shall be more than 400 feet from an approved fire hydrant by center line of roadway measurement.

b. Hydrants for other areas, not included in single-family residential areas (a.) above, shall be installed at not more than 350 feet intervals with a minimum main size of eight inches, and no structure shall be more than 400 feet from an approved fire hydrant by center line of roadway measurement.

c. For other occupancies of a high-hazard type (such as a shopping center, a storage facility for flammable chemicals or paint, or compressed gasses, or similar fire hazardous uses) hydrants and mains shall be installed by computing the required fire flow taking into consideration, where pertinent, the number and type of city fire department stations, vehicles, and other facilities to provide the normal responses within the given response area. On future requirements, if total flow needs are determined less than specified in chapter 26, city approval must be obtained based on acceptable calculations and other information, such calculations and information to be prepared and sealed by a Florida registered engineer, and submitted to the city utilities department for review with city fire department participation and approval. All fire flows in Chapter 26, Municipal Code, shall otherwise be considered as the minimum fire flow requirements.

(n) *Adequacy of Police Protection*. The DRC shall certify compliance with specifications and standards adopted by the city regarding the adequacy of police protection services to meet the demands of the proposed development. The Police Chief shall be responsible for determining police protection capacity. Development shall not be approved unless it can be determined that adequate police protection services will be available prior to issuance of a building permit. The city shall treat the proposed development as meeting the city land use plan requirements upon receiving the impact fees set forth in Article IV, Chapter 19 of this Code.

(o) *Adequacy of School Sites and Facilities*. Prior to approval of a plat, LUPA, rezoning or site plan, the applicant for a residential development shall submit to the Department a letter from the county school Board evaluating the adequacy of the facilities needed to service the residents of the proposed development.

(1) *Public School Concurrency*. Pursuant to the public school facilities element of the comprehensive plan (PSFE) and the amended Interlocal Agreement for public school facility planning (ILA), the city, in collaboration with Broward County and the School Board of Broward County, shall ensure public school facilities will be available for current and future students consistent with available financial resources and adopted level of service standards and that such facilities are available concurrent with the impact of proposed residential development.

a. *Applications subject to public school concurrency determination*. The City shall not approve an application for a residential plat, LUPA, rezoning. replat, plat note amendment, findings of adequacy or site plan (an "application"), that generates one or more students or is not exempt or vested from the requirements of public school concurrency, until the school Board has reported that the school concurrency requirement has been satisfied.

b. *Exemptions and vested development*.

1. The following residential applications shall be exempt from the requirements of public school concurrency:

(i) An application which generates less than one student at each level in the relevant concurrency service area (CSA). Such development shall be subject to the payment of school impact fees.

(ii) An application for age restricted communities with no permanent residents under the age of 18. Exemption for an aged restricted community shall only be available subject to a recorded restrictive covenant prohibiting the residence of school aged children in a manner not inconsistent with federal, state or local law or regulations.

(iii) A Development of Regional Impact (DRI) with a development order issued before July 1, 2005 (the effective date of chapter 2005-290 Laws of Florida) or an application submitted before May 1, 2005.

(iv) As may otherwise be exempted by Florida Statutes, including but not limited to, applications within municipalities which meet specific qualifying criteria outlined in the statute and approved by the School Board.

2. The following application shall be vested from the requirements of public school concurrency:

(i) Any application located within a previously approved comprehensive plan amendment or rezoning which is subject to a mitigation agreement in accordance with the following:

- The mitigation to address the impact of the new students anticipated from the development has been accepted by the School Board consistent with School

Board Policy 1161, entitled "growth management", as may be amended from time to time, and;

- A declaration of restrictive covenant has been properly executed and recorded by the developer, or the development is located within a boundary area that is subject to an executed and recorded tri-party agreement consistent with School Board Policy 1161, as may be amended from time to time. The declaration of restrictive covenants must be joined in and consented to by the mortgagee or holder of a security interest in the parcel of land subject to the declaration of restrictive covenants.

- The applicant shall provide a letter from the School Board or other evidence acceptable to the county verifying 1. and 2. above. Other evidence may include documentation as specified in the tri-party agreement.

3. Any application which is included within a residential plat or development agreement for which school impacts have been satisfied for the dwelling units included in the proposed application. This includes any application approved between February 2, 1979 and March 19, 2008, the effective date of the public school facilities element of the comprehensive plan and this Code, which have not expired. In the transmittal of an application to the school district, the county shall include written information indicating that the units in the application are vested.

4. Any application that has received final approval, and which has not expired, prior to the effective date of the public school facilities element of the city's comprehensive plan.

5. To be exempt or vested from the requirements of public school concurrency, an applicant seeking such a determination shall be required to submit documentation with the application which shall include written evidence sufficient to verify that the subject development meets the exemptions stated herein, and as such, is exempt from the requirements of public school concurrency.

c. *Level of Service Standards (LOS).* In order to ensure that the capacity of schools is sufficient to support student growth, the School Board, County and Municipalities hereby declare and establish the following School Types for the purpose of establishing a uniform, district wide LOS for public schools of the same type:

1. School Type A is a bounded elementary, middle or high school that has the equivalent of at least 10% of its permanent FISH capacity available onsite in relocatables. The LOS for School Type A shall be 100% gross capacity (including relocatables).

2. School Type B is a bounded elementary, middle or high school that has less than the equivalent of 10% of its permanent FISH capacity available onsite in relocatables. The LOS for School Type B shall be 110% permanent FISH capacity.

The LOS shall be achieved and maintained within the period covered by the five-year schedule of capital improvements.

d. *Concurrency service areas (CSAs).* The areas for the implementation of public school concurrency in Broward County shall be known as concurrency service areas (CSA), and such CSAs shall be the approved school boundaries for elementary, middle and high schools as annually adopted by the school Board. For the purposes of public school concurrency, such CSAs shall be effective on the first day of the school year, and end on the last day before the beginning of the next school year.

e. *Student generation rates*. The Broward County adopted student generation rate(s) contained in Broward County Land Development Code section 5-182(m)(6) "Student Generation Rates" shall be utilized to determine the potential student impact anticipated from the residential development proposed in submitted applications.

f. *Review procedure*.

1. *Public school impact application (PSIA*). Any applicant submitting an application with a residential component, that is not exempt or vested, is subject to public school concurrency and shall be required to submit a public school impact application (PSIA) for review by the school district. Evidence of acceptance of the PSIA and payment of the applicable application fee to the school district shall be required prior to acceptance of the application by city.

2. *School capacity availability determination letter (SCAD*).

(i) No residential application or amendments thereto, shall be approved by the city, unless the residential development is exempt or vested from the requirements of public school concurrency, until a school capacity availability determination (SCAD) letter has been received from the school district confirming that capacity is available, or if capacity is not

available, that proportionate share mitigation has been accepted by the school Board. The SCAD letter shall be sent to the applicant, the Broward County development management division and the city with jurisdiction over the subject development, no later than 45 days after acceptance of the completed PSIA by the school district.

(ii) The school district shall determine the potential student impact from proposed residential development on the applicable CSA by performing the review procedure specified in school Board Policy 1161, as amended.

(iii) If the school district reviews an application and determines that sufficient permanent capacity is available at the adopted LOS to accommodate students anticipated from the development, the school district shall issue a SCAD letter indicating that adequate school facilities exist to accommodate the student impact and that the proposed development satisfies public school concurrency requirements.

(iv) If the SCAD letter states that the development has not satisfied public school concurrency requirements, the SCAD letter shall state the basis for such determination, and the applicant shall have 30 days to propose proportionate share mitigation to the school district.

(v) If the applicant proposes proportionate share mitigation within the 30-day deadline, upon the subsequent acceptance of the proposed mitigation by the school Board, and upon the execution of a legally binding document among the school Board, the city, if applicable, and the applicant, an amended SCAD letter shall state that adequate capacity anticipated from the accepted proportionate share mitigation will be available to accommodate the student impact anticipated from the proposed development and that the proposed development satisfies public school concurrency requirements. The total amount committed for any mitigation option shall not be less than the school impact fees due for the proposed units as calculated based upon the adopted school impact fee schedule provided in section 5-182 (m)(3) of the Broward County Code of Ordinances. The school impact fee for the development shall be considered included in the total proportionate share mitigation amount due or paid. If the proportionate share mitigation is not accepted by the school Board, the amended SCAD letter shall state the basis upon which the mitigation proposal(s) was rejected and why the development is not in compliance with public school concurrency requirements.

(vi) An applicant adversely impacted by a SCAD determination may appeal such determination by written request to the school Board within the designated 30-day time period. A timely request for an appeal shall stay the requirement for an applicant to propose proportionate share mitigation until the appeal has been resolved.

If an application or approval expires, the SCAD letter will no longer be valid.

g. Expiration of concurrency/vesting.

1. The public school concurrency approval for a residential application shall expire if development does not commence, as outlined in 2) below, within five years following the date of City Council.

2. If a residential application received approval, the development and anticipated students shall be considered vested for up to five years beginning from the date the developer received approval from the city. Vesting of a residential application beyond the five years requires that one of the following conditions are met within the five-year period: 1) the issuance of a building permit for a principal building and first inspection approval or 2) substantial completion of project water lines, sewer lines and the rock base for internal roads. If the development was denied, the district shall deduct from its database, students associated with the development.

(p) *Private Utilities and Service Providers*. Prior to the final approval of a plat or site plan, if no plat is required, the applicant shall provide confirmation from the provider of electric, natural gas, if applicable, telephone, and cable television services that the proposed development can be adequately serviced.

(q) *Conditions.* A level of service determination may be granted by the DRC, subject to conditions intended to ensure compliance with the level of service standards contained in the comprehensive plan and this Code, including, but not limited to, the dedication of land, the construction of public facilities pursuant to a development agreement or the assessment of other fees which may be authorized by the laws the City.

(r) *Appeals of Determinations of Impact*. Any person aggrieved by the decision of the DRC may appeal the determination to the chief administrative officer and then to the City Council whose decisions shall be final in accordance with the provisions of this Code. Any adversely affected person aggrieved by the decision of the DRC may appeal the decision of the DRC to the chief administrative officer. The appeal shall be pursuant to this appeal process. The adversely affected party must file with the City Clerk a notice of appeal, together with established and required fees, and plans, stating the name of the applicant for the appeal,

applicant's attorney (if any), development permit at issue, decision being appealed, and a brief description of the reasons and basis for the appeal, on a form approved by the city attorney. The notice of appeal must be filed in the office of the city clerk within 15 days of the rendition of the decision by the DRC. An appeal to the Chief Administrative Officer stays all proceedings in furtherance of the action appealed from unless the chief administrative officer, or the chief administrative officer's designee, certifies that by reason of facts stated in the certificate, a stay would, in the chief administrative officer's opinion, cause imminent peril to life and property. In such cases, proceedings shall not be stayed other than by a restraining order which may be granted by the chief administrative officer or by a court of record on application. Any adversely affected person appealing the decision of the chief administrative officer shall file the appeal pursuant to the appeal process set forth in sections 27-55(j) – 27-55(m) of this Code. Any applicant shall be advised in writing at the time the written decision is rendered, how they may appeal the decision.

Sec. 27-50. – Construction Agreements and Financial Assurances for Promised Improvements (Construction agreements refer to Section 20-158)

(a) No plat shall be approved nor shall any street, public or private residential subdivision roadway or parking area, seawall (except for seawalls installed by a single-family residence after the residence is constructed), or bridge, be constructed, nor shall fill (except for fill for a single-family residence), drainage wells, culverts, gutters, sewers, and other drainage facilities be installed even in an unplatted area, unless the owner seeking the approval of such plat or seeking the construction of a street, public or private residential subdivision roadway or parking area facilities (such street, public or private roadway, or parking area facilities include striping, signage, curbs and guttering), seawall, or bridge or the installation of fill, drainage wells, culverts, gutters, sewers or other drainage facilities shall first furnish the city a construction agreement in form approved by the city which is financially assured as hereinafter provided. All contemplated work described which is bonded or otherwise financially assured as provided herein shall be completed within two years after the plat is recorded or after specifications for same have been permitted (where the improvements are not promised in order to secure plat approval).

(b) Each such contract agreement for the extension and installation of paving and drainage facilities shall be financially assured with a surety bond covering performance of and payment for the developer's construction agreement (including a one-year guarantee against defective or faulty work or materials which appear within one year after final acceptance of the completed facilities by the city), and all losses, damages, expenses, costs, and attorneys' fees, including appellate proceedings, that city sustains as a result of default by the developer. The surety bond(s) shall cover the same independent obligations as the public construction bond specified in section 255.05(3), Florida Statutes (1993). All surety bonds are to be in a penal sum of at least equal to 110 percent of the certified engineering estimate of the work shown in the approved plans and based upon the most current Broward County Estimate Form or 125 percent of such estimate if approved plans are not available, based upon a scope of work approved by the city engineer, and must be written by an approved domestic surety company with a AAA rating in the latest "Best's Insurance Guide with Key Ratings" or by

listing in U.S. Treasury Department circular called "Companies Holding Certificates of Authority as Acceptable Sureties on Federal Bonds and as Acceptable Reinsuring Companies," and shall obligate the developer as principal, and such company as surety, and shall be payable to the city as obligee. After final acceptance of the completed facilities by the city and the satisfactory performance of developer obligations up to commencement of the guarantee period, the city may release the surety bond herein provided (and may release all other alternative financial assurances set forth in this section) upon receipt of a substitute guarantee and maintenance cash bond or surety bond, the penal sum for which shall be ten percent of the facilities' original bond amount.

(c) In lieu of the payment, performance, all losses, and maintenance guarantee bonds provided in (b) above, the city shall accept; if tendered:

(1) A cash escrow agreement in a form acceptable to the city from a recognized financial lending institution acceptable to the city, with a branch or corresponding office in the county, covering the same obligations as the public construction bond specified in § 255.05(3), Florida Statutes (1993), in the required penal amount for surety bonds certifying that the full sum of the balance due to the city is being held by the institution for payment to the city, except only for such portions of the work certified to be duly completed by the representative of the city engineer, with payment of the final ten percent of the original escrow amount to be held to guarantee against defective or faulty work or material which appears within one year after final acceptance of the completed facilities by the city, and so much of such final ten percent as may remain after the completion of the guarantee obligations to be then paid or released to the developer; or

(2) A cash bond in form acceptable to the city, covering the same obligations as the public construction bond specified in section 255.05(3), Florida Statutes (1993), in a required penal amount of 100 percent of the penal amount set forth above for surety bonds, such cash bonds being held in their original amounts and not subject to pay downs as performance of the construction progresses, except the final ten percent of the amount of the original penal sum required for surety bonds, which shall be held to guarantee against defective or faulty work or material which appears within one year after final acceptance of the completed facilities by the city, and so much of such final ten percent as may remain after the completion of the guarantee obligations to be then paid or released to the developer.

(d) If, all of the developer obligations for performance, payment, coverage of all losses, and the guarantees, are not timely performed, the city shall be able but shall not be required to call the bonds (or receive and become entitled to the amount escrowed together with any subdivider's guarantee deposits) for such uncompleted performance and the city shall be able but shall not be required to complete such uncompleted performance. All of the costs to the city for assuring the completion of such performance which are in excess of the total amounts reserved therefor from any source may be assessed against the land benefitted by the improvements (and liens shall be created to secure such improvement assessments) in the same manner as charter special assessments, and the liens which secure such special

assessments shall be created and enforced, and shall have the same superiority as charter assessments.

(e) No building permit shall be issued for any building or structure to be located upon all or a portion of the land embraced in a plat or subdivision until a contract for the work bonded or otherwise financially assured in accordance with this section has been let and construction for said work has commenced.

(f) It is the intention of the city that to the extent the subdivider fails to pay for required subdivision improvements and to the extent that the amounts reserved for such improvements are insufficient, the property shall be assessed for such benefit. The City Council may waive any such bond or conditions of such bond if such improvements have already been made, or in the event some or all improvements are not required. Nothing contained herein is to be construed as repealing any portion of this article.

Sec. 27-51. - Site Plans.

(a) *Site Plan Review Required.*

(1) Except as provided in this section, applications for site plan approval for all development shall be submitted to the Department for review by the DRC. Site plans shall be approved by the appropriate authority as set forth in Table 51-1.

(2) The city contains several Planned Residential Developments (PRDs), which were adopted through the approval of a Master Site Plan. Most PRDs are residential in nature, although a few also include nonresidential property. PRDs shall apply to amend the existing site plan through the site plan amendment process described herein.

(b) *Exempt Development*. The Director shall review applications and determine if they qualify for an exemption from some or all of the site plan review process. The following activities as shown in Table 51-1 that are defined as "exempt" shall not require submission of a site plan to the DRC pursuant to this section. Furthermore, the Director's determination on exemption status shall be recognized for the following to either be subject to DRC review (Site Plan Amendments) or to Staff Review (Site Plan Revisions) for minor amendments. The City Council, upon request of any Councilmember, reserves the right to review and approve any site plan application.

Table 51-1
MINOR SITE PLAN APPROVAL PROCESS

Application Type	Exempt	DRC Approval	Revision (Staff Approval)	PAC Approval	City Council
RESIDENTIAL PROPERTY					
New Construction - single-family residence - – non-PRD	✓				
New Construction – single family subdivision / PRD		✓			✓
New Construction - Duplex	✓				
New Construction - multi-family residential community		✓			✓
Additions/Renovations to single- or dual-family residences – non-PRD	✓				
Addition/Renovation to multi-family residential development (under 2,500 sq. ft.)			✓		
Addition/Renovation to multi-family residential development (between 2,500 sq. ft. and 3,999 sq. ft.)		✓	✓		
Addition/Renovation to multi-family residential development (between 4,000 sq. ft. and 6,000 sq. ft.)		✓		✓	
Addition/Renovation to multi-family residential development (over 6,000 sq. ft.)		✓			✓
Installation of guardhouse and/or security gates meeting vehicular stacking requirements		✓		✓	
Relocation of swimming pools on individual lots	✓				
Relocation of community swimming pools and site amenities				✓	
Relocation of parking spaces, drive aisles and driveways		✓	✓		
Addition to existing sites of parking spaces		✓	✓		

Application Type	Exempt	DRC Approval	Revision (Staff Approval)	PAC Approval	City Council
Addition/relocation of dumpster / compactor enclosures			✓		
Modifications of stairs or elevations of decks, porches, terraces, trees, hedges and fencing non PRD	✓				
Modifications of stairs or elevations of decks, porches, terraces, trees, hedges and fencing PRD				✓	
Changing of roofing systems or components thereto (multi-family)			✓		
Addition to existing sites of awnings, canopies or ornamental structures – non-PRD single family	✓				
Addition to existing sites of awnings, canopies or ornamental structures – non-PRD multi family			✓		
Addition to existing sites of awnings, canopies or ornamental structures PRD				✓	
Accessory uses which do not increase plot coverage of the principal structure on individual lots.	✓				
Accessory uses which do not increase plot coverage of the principal structure for a community non PRD			✓		
Accessory uses which do not increase plot coverage of the principal structure for a community multi family and PRD				✓	

Application Type	Exempt	DRC Approval	Revision (Staff Approval)	PAC Approval	City Council
NON-RESIDENTIAL PROPERTY					
New Construction (1)		✓			✓
Construction of a new accessory structure				✓	
Compliance Plan (no increase in building footprint)		✓	✓		
Cure Plan (as a result of government takings)		✓			✓
Addition/Renovation (under 2,500 sq. ft.)			✓		
Addition/Renovation (between 2,500 sq. ft. and 3,999 sq. ft.)		✓	✓		
Addition/Renovation (between 4,000 sq. ft. and 6,000 sq. ft.)		✓		✓	
Addition/Renovation (over 6,000 sq. ft.)		✓			✓
Renovation of buildings with no increase to building footprint			✓		
Relocation of parking spaces, drive aisles and driveways		✓	✓		
Addition to existing sites of parking spaces		✓	✓		
Addition/relocation of dumpster / compactor enclosures			✓		
Modifications of stairs or elevations of decks, porches, terraces, trees, hedges and fencing	✓				
Addition to existing sites of awnings, canopies or ornamental structures			✓		
Accessory uses which do not increase plot coverage of the principal structure	✓				

Application Type	Exempt	DRC Approval	Revision (Staff Approval)	PAC Approval	City Council
APPLICABLE TO ALL PROPERTY					
New Construction – mixed-use development		✓			✓
Addition/Renovation – mixed use development		✓			✓
Building footprint modifications that do not alter previously approved site functionality			✓	✓	
Addition/elimination/relocation of accessory structures that do not alter previously approved site functionality			✓	✓	
Alteration of landscaping or signage			✓		
Changing the exterior elevation of a building or structure to make more resistant to high velocity wind pressure or flooding			✓		
Changing the exterior elevation of a building or structure to achieve improvements in energy efficiency			✓		
Changing doors, windows, vent pipes, chimneys, or dumpsters			✓		
Changing location of fire suppression, fuel tanks, generators, or other facility infrastructure			✓	✓	
Adding or changing architectural treatments and facades to buildings (including parapet walls);			✓	✓	

Application Type	Exempt	DRC Approval	Revision (Staff Approval)	PAC Approval	City Council
Changes to colors shown on approved site plans where change substantially matches or is less intense than approved colors			✓		
Other de minimus site or structure design changes			✓		
The deposit and contouring of fill on land that does not require resource extraction and removal of fill from site	✓				
Land clearing activity done in compliance with a valid land clearing permit issued pursuant to this Code and a City Engineering Permit	✓				
Re-approval of Expired Site Plan approved by Council		✓			✓
Re-approval of Expired Site Plan approved by PAC		✓		✓	
Re-approval of Expired Site Plan approved by Staff			✓		

(1) New construction may qualify for "expedited review" provided the following conditions are met:

a. The use is permitted, and

b. No more than 3 waivers pertaining to site design and landscaping, (does not include administrative adjustments), and

c. Director has the discretion to exempt project from Planning and Zoning Board

(d) *General Site Plan Application Requirements*. All site plan submittals shall have drawings prepared by one or more of the following design professionals, as appropriate:

(1) A landscape architect registered by the State of Florida (RLA); and/or

(2) An architect registered by the State of Florida (RA); and/or

(3) A civil engineer registered by the State of Florida (PE); and/or

(4) A land surveyor registered by the State of Florida.

All surveys and site plans, including design data, calculations, and analysis, shall be certified to and for the reliance of the city by a State of Florida licensed engineer, architect, landscape architect, and mapper and surveyor, according to their professional licensed discipline. No certification shall be older than 180 days prior to the date of application for site plan approval. All surveys and site plans must be current, meaning that the survey or site plan is no older than one (1) year prior to site plan or site plan amendment application (or brought up to date) and depicts current conditions on the subject property. Surveys shall be prepared in accordance with the minimum technical standards of F.S. § 472.027, and F.A.C. ch. 21HH-6, and attached as an exhibit to the application.

(e) *Site Plan Submission Requirements*. Site plan, site plan amendment, site plan revision and site plan extension request application forms, along with all established and required fees, documents, and plans, shall be submitted to the Department by the applicant. An application for site plan review shall include all of the drawings required in the Department's Site Plan Submittal Requirements Document. All proposals for new construction and amended construction plans will be reviewed by the City Engineer for a determination of the scope of traffic impact analysis that shall be required for the proposal. If a traffic impact study is deemed to be required, then the applicant shall meet with the City Engineer to develop the specific criteria and methodology that shall be required for the analysis of the case. Off-site traffic improvements may be required as determined by the City.

(f) *Final DRC Filing*. A site plan shall only be filed following a determination by the DRC that the preliminary site plan is in substantial conformance with the LDR. A site plan shall be approved by the Council prior to issuance of any building permit.

(g) *Development Review Committee* (DRC).

(1) The DRC shall require that the proposed development satisfies the following criteria:

The DRC shall evaluate the site plan as it relates to conformance to the requirements of this LDR, and shall consider internal site vehicular circulation, ingress and egress, conformance with the character of the surrounding area, general layout of the site, architectural design of the structures, and whether the development as presented will enhance the quality of life in the city and promote the public health, safety, interest, aesthetics, and welfare of its citizens. The proposed development and site plan must comply with:

a. The goals, objectives, policies and other applicable requirements of the City's Comprehensive Plan and the Broward County Comprehensive Land Use Plan; and

b. All applicable codes of the City, County and State; and

c. Approved and accepted architectural and engineering design standards; and

d. The aesthetic character of the surrounding properties; and

e. Mitigation of all traffic impact to both on-site and off-site development; and

f. The requirements of the Site Plan Submittal Requirements document; and

(2) *DRC action*. After review of the requirements of section 27-51(g)(1), the DRC shall take the following action by making a determination:

a. That the site plan application meets the requirements of section 27-51(g). In such circumstance, the DRC shall issue a recommendation to the applicant, Planning and Zoning Board and the City Council to approve the site plan application; or

b. That the application does not meet the requirements of section 27-51(g), in which case the DRC shall issue a recommendation to the applicant, Planning and Zoning Board and the City Council to deny the site plan application, which recommendation shall include a statement of the basis for the denial; or

c. That the site plan application does not meet the requirements of section 27-51(g), but that the required changes to the application are of such a minor nature that a resubmittal of the application to the DRC is not warranted, in which case the Director, after receiving evidence of revision submitted to the Department and conformance to the required changes, shall indicate upon acceptable revision of the proposed site plan, a recommendation to the applicant, Planning and Zoning Board and the City Council to approve the site plan application.

(3) Any adversely affected person may appeal the decision of the DRC pursuant to the appeal process set forth in sections 27-55(k) of this Code.

(h) *Planning and Zoning Board Review*. Except for plans qualified for exemption as a site plan amendment, a minor site plan amendment, or as a site plan revision, upon a determination by the DRC, or by Department's planning staff, respectively, that the site plan complies with the review criteria and all applicable code provisions, the site plan will be scheduled for review by the Planning and Zoning Board. All site plans will be placed on the Board agenda for recommendation to the City Council. Action by the Planning and Zoning Board shall consist of one of the following:

(1) Remand the site plan to the DRC for review and recommendation; or

(2) Continue or table the site plan in order to obtain additional information; or

(3) Approve, approve with conditions, or deny the site plan.

The Planning and Zoning Board must consider the same criteria as the DRC when making the decision.

(i) *City Council Review*. Except for plans qualified for exemption as a site plan amendment, a minor site plan amendment, or as a site plan revision, upon a determination by the DRC, Planning and Zoning Board or by Department's planning staff, respectively, that the site plan complies with the review criteria and all applicable code provisions, the site plan will be scheduled for review by the Council. All site plans will be placed on the quasi-judicial portion of the Council agenda for final Council action. Action by the Council shall consist of one of the following:

(1) Remand the site plan to the DRC or Planning and Zoning Board for review and recommendation; or

(2) Continue or table the site plan in order to obtain additional information; or

(3) Approve, approve with conditions, or deny the site plan.

The Council must consider the same criteria as the DRC or Planning and Zoning Board when making the decision.

(j) *Review Procedures for Site Plan Amendments and De Minimus Revisions.*

(1) *Review Procedures for Site Plan Amendments*:

a. The PAC may either approve, approve with any reasonable conditions, limitations or requirements, disapprove, or postpone consideration of any application pending submittal of additional information which may be required to make a determination. The PAC shall submit the decision in a written report to the applicant. The report shall be provided to the applicant and kept on file in the Department.

b. A PAC approval of the plan for development is final without Council review, unless appealed by an adversely affected person.

c. If the plan is denied by the PAC or the applicant disagrees with conditions set forth on the approval, the applicant may appeal the decision to the Council pursuant to the appeal process of this article.

d. Any adversely affected person may appeal the decision of the PAC pursuant to the appeal process of this article. The adversely affected party must file a notice of appeal, in a form approved by the City Attorney, with the City Clerk within 15 days of the PAC determination.

(2) *Review Procedures for De Minimus Site Plan Revisions.*

a. De Minimus site plan revisions may be filed with the Department for modifications to the approved site plan or site plan amendment or to existing

construction for alterations that do not affect existing or proposed infrastructure, site access or life safety provisions as identified in Table 51-1.

b. The Department's planning staff will review the application to determine if the proposed revisions do not compromise existing conditions, or a previously approved site layout. If the modifications require review by other disciplines that serve on the DRC, other than Planning and Landscaping, such as Engineering or Fire or Utilities, then the application shall be subject to review from the entire DRC. The Director shall have the discretion based on the above guidelines to determine whether a proposed revision requires full DRC or administrative site plan review. The applicant may appeal the decision of the Director to the Council within fifteen (15) days of the decision, pursuant to the appeal procedure. The decision of the City Council shall be final and binding upon the applicant.

c. The Department's planning staff shall either approve or deny the application or approve with conditions or after modifications are implemented.

d. If an applicant is denied such approval, then the applicant may request a review by the PAC. If the PAC denies the request, then the applicant may appeal to the City Council, pursuant to the appeal procedure. The decision of the City Council shall be final and binding upon the applicant.

(k) *Approved Plans*. All building permit plans shall conform to the approved site plan with conditions, if applicable. Approved plans shall be signed and sealed by the professional preparing them.

(l) *Time Limit for Approved Plans*. An approved site plan shall remain valid for a period of one (1) year (365 days) from the date of approval. If a building permit has not been applied for within a one (1) year period, then the site plan shall be null and void. If a building permit is applied for and the building permit is not issued within six (6) months, then the site plan shall become null and void. Additionally, if at any time, building permits lapse after expiration of said 365-day period, the site plan shall be considered null and void. A 6-month extension may be granted by the Director, if determined by the Director to have a reasonable justification by the applicant and provided that the application is filed at least 30 days prior to the expiration of the site plan approval. A 12-month extension may be granted by the City Council, provided that the application for same is filed prior to the expiration of the site plan approval. After a site plan has officially expired, an applicant desiring to move forward with the proposal must re-apply for site plan approval, including another review by the DRC, to obtain final site plan approval by the Council.

(m) **Reserved**

(n) *Crime Prevention Through Environmental Design (CPTED).*

(1) *Intent and Purpose*.

Applications for approval as they relate to plat access to trafficways, access to non-trafficway collector roads, applications for site plan approval shall undergo CPTED review for all uses except for one single-family dwelling, duplex or triplex unit. The CPTED review shall be completed by the DRC representative(s) who shall have successfully completed 40 hours of basic CPTED training and 40 hours of advanced CPTED training. Compliance with the comments noted by the CPTED reviewers shall be mandatory for privately owned properties.

(2) *CPTED Review*. The CPTED review performed by the individual(s) set forth above shall encompass the following CPTED principles:

a. *Provision of natural surveillance*.

1. The placement and design of physical features shall maximize visibility which shall include building orientation; windows; building and site entrances and exits; parking lots; walkways; landscaping; fencing, security gates, and walls; signage and other physical obstructions.

2. The placement of persons, cameras, and/or activities to maximize surveillance possibilities.

3. Lighting that provides for adequate nighttime illumination of parking lots, walkways, entrances and exits

b. *Provision for Natural access control*.

1. The use of sidewalks, pavement, lighting, signage, street furniture, and landscaping to clearly guide the public to and from entrances and exits.

2. The use of fences, walls and landscaping to prevent and/or discourage public access to or from dark and/or unmonitored areas.

c. *Provision of territorial reinforcement*. The use of pavement treatments, landscaping, art, furniture, signage, screening, walls, and fences to define and outline ownership of property.

d. *Maintenance*. The use of low maintenance landscaping and lighting treatment to facilitate the CPTED principles of natural surveillance, natural access control and territorial reinforcement, and the adoption of a perpetual maintenance plan for the property.

Sec. 27-52. – Reserved

Sec. 27-53. - Reserved

Sec. 27-54. - Governmental Takings/Cure Plans.

Cure Plan application forms, along with all established and required fees, documents, and plans, shall be submitted to the Department by the applicant.

(a) *Structures, lot size and land use made illegal as a result of governmental acquisition*. In the event that an acquiring authority acquires private property for a public transportation facility or other public purpose or facility and the acquisition results in the increase of or the creation of nonconformity, such private property shall constitute a non-conforming use unless a variance is granted in accordance with this section.

(b) *Authority to apply for variance*. The acquiring authority and/or the property owner are each hereby granted the authority to apply for a variance from the LDR to cure non-conformities, pursuant to this section. Application may be made prior to or after the creation of the nonconformity.

(c) *Authority to grant variances*. The Council shall have the authority to grant variances to cure non-conformities pursuant to this section.

(d) *Standard for grant or denial of variance; conditions*.

(1) Existing lots, parcels, structures or uses which become or will become non-conforming or suffer an increase in nonconformity as a result of governmental acquisition by an acquiring authority, and constitute a deviation from the LDR standards at the time of the proposed taking, may be granted a variance by the Council, provided a determination is made by the Council, after a public hearing that:

a. The requested variance will not adversely affect visual, safety, aesthetic or environmental characteristics of the community;

b. The requested variance will not adversely affect the safety of pedestrians or the safe operation of motor vehicles;

c. The granting of the variance will not be detrimental to the public welfare or injurious to other property or improvements in the vicinity;

d. The requested variance will not cause motor vehicle parking shortages which adversely impact the community; and

e. The requested variance will not encourage or promote the continuation of existing uses of the property which have been or will be rendered unfeasible or impractical due to the impacts of the acquisition and/or construction of the roadway or other public facility including, but not limited to, aesthetic, visual, noise, dust, vibration, safety, land use compatibility and environmental impacts.

(2) The Council may impose conditions upon any variance granted so as to assure compliance with the above listed criteria.

(e) *Status of lots, parcels, structures or uses after granting of a variance*. The granting of a variance pursuant to subsection 27-54(d) shall serve to cure the nonconformity, subject to implementation of the variance in accordance with the specific approval granted and in accordance with any conditions imposed upon the grant of such variance.

(f) Procedure for application for variance.

(1) The acquiring authority and/or property owner may apply in writing to the department Director for a variance pursuant to subsection 27-54(b). The application may request alternative cures. The applicable fee established for review and processing of the application shall be submitted with the application.

(2) If an application for a variance is submitted by the acquiring authority, the property owner shall be notified via U.S. certified mail, return receipt requested, of the application by the acquiring authority. Proof of notification shall be provided to the Department at time of application. Notice shall be addressed to the property owner's most current address as depicted in the current ad valorem tax rolls maintained by the county property appraiser.

(3) If an application for a variance is submitted by the property owner, the acquiring authority shall be notified via U.S. certified mail, return receipt requested, of the application by the property owner. Proof of notification shall be provided to the Department at time of application.

(4) If the acquiring authority desires to submit an application for a cure or variance in addition to the plan proposed by the property owner, it shall do so within 30 days of such notification, so that the applications of both the property owner and acquiring authority may be considered at the same time. If such application is not timely submitted by the acquiring authority, the application shall not be heard by the City Council unless the Council finds good cause and reasonable justification for the delay by the acquiring authority.

(5) Hearings before the Council shall be conducted in accordance with the city code procedure for quasi-judicial hearings. Public notice shall be provided in accordance with section 27-41.

(g) *Expedited review; preliminary decision.*

(1) The acquiring authority or property owner may request, and the City Council may grant an expedited review of an application in those situations in which the primary purpose of the application is to facilitate the property acquisition by providing input early in the acquiring authority's appraisal process.

(2) Under an expedited review, the application may be advanced for placement on a Council agenda. Any determination made by the Council shall be preliminary and non-binding.

(3) Thereafter, the applicant may request the application to be processed for final binding consideration pursuant to subsection 27-54(f) above.

(4) The application fee for an expedited review shall be the same as the fee for a regular variance application.

(h) *Code violations*.

(1) The provisions of this Code shall not be interpreted to allow for the continued existence of building or safety code violations that are determined to be an immediate threat to the public health, safety, aesthetics or welfare.

(2) The appropriate building officials and inspectors of the city are hereby authorized to take any necessary steps to enforce all applicable building and safety codes even though the subject property is part of a pending governmental acquisition.

Sec. 27-55. – Physical Site Development Variances, Appeals and Zoning Relief.

(a) *Purpose and Scope of a Variance*. The variance process for physical site development is intended to provide limited relief from the requirements of this Code in those cases where strict application of those requirements will create a practical difficulty or undue hardship, as distinguished from a mere inconvenience, prohibiting the use of land in a manner otherwise allowed under this Code.

(b) *Application Requirements for a Variance*. Variance application forms, along with all established and required fees, documents, and plans, shall be submitted to the Department by the applicant.

(c) *Review and Approval Authority for a Variance.* Variances pertaining to dimensional standards requirements applicable to and affecting individual single-family or duplex dwelling units, including those in PRD's, shall be granted final consideration by the Planning and Zoning Board. All other variances shall be given final consideration to be granted by the City Council. Refer to Table 55-1.

(d) *Staff and DRC Review of a Variance Request*. The Department shall review the application to evaluate whether the proposed variance complies with the general purpose and standards set forth for the granting of variances. The Department shall compile a written staff report summarizing the facts of the case including all relevant documents and plans and an analysis of the applicant's submitted criteria responses. At the discretion of the Director, the DRC may review the request and render a recommendation for variance cases, except for those

cases affecting dimensional requirements for individual single-family and duplex homeowner properties. The complete application and staff report shall be prepared and transmitted to the Board or Council pursuant to the respective required process noted in section 27-55(c).

(e) *Review by the Planning and Zoning Board*. Applications for variances subject to review and approval by the Board shall be scheduled for a public hearing by the Department. The Board shall hold one public hearing on the proposed variance. Notice of the public hearing and the conduct of the public hearing shall be in accordance with the provisions of this Code. In considering whether to approve or deny the application, the Board shall review the application, the general purpose and standards of the Code, staff reports, and any oral and written comments received before or at the public hearing. An applicant may appeal the decision of the Board pursuant to the appeals procedure.

(f) *Review by City Council*. Applications for variances subject to review and approval by the Council shall be transmitted to the Chief Administrative Officer, with a written staff report. The Chief Administrative Officer shall schedule the proposed variance for the next available Council meeting, provided that the required notice requirements are met. The Council shall hold one public hearing on the proposed variance. In considering whether to approve or deny the application, the City Council shall review the application, the general purpose and standards of the Code, staff reports, and any oral and written comments received before or at the public hearing.

(g) *Standards of Review*. A variance shall be granted only where the preponderance of the evidence presented in the particular case shows that either of the following is met:

(1) *Undue hardship*. The following are the standards that must be met to demonstrate an undue hardship:

a. The particular physical surroundings, shape, topographical condition, or other physical or environmental condition of the specific property involved would result in a particular hardship upon the owner, as distinguished from a mere inconvenience, if the regulations were carried out literally; and

b. The conditions upon which the request for a variance is based are unique to the parcel and would not be generally applicable to other property within the vicinity; and

c. That the special conditions or circumstances do not result from the deliberate actions of the applicant or property owner of the subject property to establish a use or structure which is not otherwise consistent with this Code; and

d. That the granting of the variance will not confer on the applicant or the property owner of the subject property any special privilege that is denied by the Code to other similarly situated lands, buildings, or structures in the same zoning district; and

e. The granting of the variance will not be detrimental to the public welfare or injurious to other property or improvements in the vicinity; and

f. The proposed variance will not substantially increase the congestion in the public streets, or increase the danger of fire, or endanger the public safety, or substantially diminish or impair property values within the vicinity

(2) *Practical difficulty hardship*. If the application does not meet the undue hardship criteria, the application may be considered under the requirements of practical difficulty hardship. The following are the standards that must be met for consideration of whether a practical difficulty hardship exists:

a. The request shall not be substantial in relation to what is required by the Code; and

b. The approval of the hardship will be compatible with development patterns, and whether a substantial change will be produced in the character of the neighborhood; and

c. The essential character of the neighborhood would be preserved; and

d. The request can be approved without causing substantial detriment to adjoining properties; and

e. The request is due to unique circumstances of the property, the property owner, and/or the applicant which would render conformity with the strict requirements of the Code unnecessarily burdensome;

(h) *Administrative Variances*.

(1) For single-family and duplex residences including those in PRD's, a variance from the dimensional requirements, fence height and landscaping requirements may be granted by the Director, utilizing either of the criteria listed above. This request shall only apply to the thresholds set forth in Table 55-1 below. Where structures exist or are proposed to be located within easements, in addition to the setback encroachment, such easement encroachments must obtain approval from the applicable utility or easement holder. The Director may also grant administrative variances for multi-family and non-residential properties. These requests shall only apply to the thresholds set forth in Table 55-1. If the Director does not wish to approve an application for administrative variance, it may be referred to the Planning and Zoning Board or City Council, whichever is applicable pursuant to Table 55-1.

Table 55-1
Variance Approvals

VARIANCE TYPE	ADMINISTRATIVE APPROVAL	PLANNING AND ZONING BOARD	CITY COUNCIL
SINGLE-FAMILY RESIDENTIAL/DUPLEX INCLUDING SINGLE LOTS IN PRD'S			
Fence Height	Up to 10% change	✓	
Landscaping	Mitigation Options		✓
Lot Coverage, Open Space, Building or Structure Height Limit, Site Size or Dimension, or Other Site Design Requirement	Up to 10% change	✓	
Setback Requirements	Up to 15% change	✓	
All other issues			✓
MULTI-FAMILY / NON-RESIDENTIAL			
Alcohol distance separation/dispersal requirement (low impact or incidental uses)	Up to 30% reduction		✓
Fence Height	Up to 10% change		✓
Landscaping	Mitigation Options		✓

VARIANCE TYPE	ADMINISTRATIVE APPROVAL	PLANNING AND ZONING BOARD	CITY COUNCIL
Lot Coverage, Open Space, Building or Structure Height Limit, Site Size or Dimension, or Other Site Design Requirement	Up to 10% change		✓
Parking standards- non-residential (Single Property Owner)	Up to 10% reduction		✓
Parking standards- non-residential (multiple owners sharing common parking pursuant to cooperative parking agreement)	Up to 10% reduction		✓
Setbacks (non-residential)	Up to 15% of the required setback		✓
Signs-Monument (tenant panel colors, font type and font size)	***See Note 1 below:*** Provided background colors used in panel areas is the same, no more than 3 font colors shall be permitted of which one must be black or white, no more than 2 panel sizes are permitted for secondary messages, and no more than 2 types and sizes of fonts permitted		✓
Signs - wall (logos)	***See Note 1 below:*** Up to 25% of allowable sign area without increasing total allowable sign area		✓
Signs – wall colors and font styles	One additional color and change in font		✓

VARIANCE TYPE	ADMINISTRATIVE APPROVAL	PLANNING AND ZONING BOARD	CITY COUNCIL
All other issues			✓

1) Note: Provided that the proposed administrative sign variance will not:
   a. Result in an increase in the total number of allowable signs,
   b. The cumulative sign area of all signs do not exceed the cumulative area otherwise allowed by the sign code, or
   c. The height of applicable sign(s) do not exceed that permitted by sign code provisions

(i) *Conditions*. In granting a variance, the Board or Council may impose such conditions and restrictions upon the premises benefited by a variance as may be necessary to comply with the standards for granting a variance or to prevent or minimize adverse effects on other property in the neighborhood, including, but not limited to: limitations on size, bulk and location; requirements for landscaping, signage, aesthetics, outdoor lighting, and the provision of adequate ingress and egress; hours of operation; and the mitigation of environmental impacts.

(j) *Expiration of Approval*. The approval of a variance shall be void if the recipient does not receive site plan or conditional use approval or a building permit is not issued for the proposed use within 12 months after the granting of the variance. An approved site plan shall remain valid for a period of one (1) year (365 days) from the date of approval. If a building permit has not been applied for within a one (1) year period, then the site plan shall be null and void. If a building permit is applied for and the building permit is not issued within six (6) months, then the site plan shall become null and void. Additionally, if at any time, building permits lapse after expiration of said 365-day period, the site plan shall be considered null and void. A 6-month extension may be granted by the Director, if determined by the Director to have a reasonable justification by the applicant and provided that the application is filed at least 30 days prior to the expiration of the site plan approval. A 12-month extension may be granted by the City Council, provided that the application for same is filed prior to the expiration of the site plan approval. After a site plan has officially expired, an applicant desiring to move forward with the proposal must re-apply for site plan approval, including another review by the DRC, to obtain final site plan approval by the Council.

(k) *Appeals.*

(1) *Purpose and Applicability*. This section is intended to provide for a procedure for appeals from any written order, requirement, decision, determination, or interpretation made by an administrative official in the enforcement of these regulations. The authority to decide appeals shall be as specified in this Code.

(2) *Filing of Application and Notice of Appeal*.

a. An applicant may appeal the decision of the Director or other Administrative Official if the appeal relates to development. The appeal shall be pursuant to this

appeal process. The applicant must file with the City Clerk a notice of appeal, together with established and required fees, and plans, stating the name of the applicant for the appeal, applicant's attorney (if any), development permit at issue, decision being appealed, and a brief description of the reasons and basis for the appeal, on a form approved by the City Attorney. The notice of appeal must be filed within 15 days of the rendition of the decision by the Director or other Administrative Decision-Maker.

b. *Stay of proceeding*. An appeal stays all proceedings in furtherance of the action appealed from unless the chief administrative officer, or the chief administrative officer's designee, certifies to the Council after the notice of appeal is filed, that by reason of facts stated in the certificate, a stay would, in the chief administrative officer's opinion, cause imminent peril to life and property. In such cases, proceedings shall not be stayed other than by a restraining order which may be granted by City Council or by a court of record on application.

(3) *Review*. Upon receipt of a complete application the chief administrative officer shall review the application and schedule a hearing to be conducted by the City Council. The chief administrative officer shall forward a copy of the application to the special magistrate together with a report and recommendation summarizing the facts of the case, any relevant documents and any comments received on the application.

(4) *Action by the City Council*. A hearing shall be held by the City Council to consider the application. The applicant shall be advised in writing of the hearing date and time. The City Council shall review the application, the report and recommendation of the administration and consider the evidence and testimony provided at the hearing. The appeal hearing shall be de novo. After the public hearing is held, the special magistrate shall issue a written ruling and order granting the relief sought in the application, with or without conditions, or denying the appeal.

(l) *Zoning Relief Request Procedures*.

(1) *Purpose and Applicability*. In order to address possible unintended violations of federal and Florida laws, subsequent to implementation of this Code or its related rules, policies, and procedures in advance of costly litigation, zoning relief may be granted pursuant to this section.

(2) *Application*. A person or entity shall request relief under this section prior to filing a lawsuit, by completing a zoning relief request form. Zoning relief request application forms, along with all established and required fees, documents, and plans, shall be submitted to the City by the applicant to the Department. The form shall contain such questions and requests for information as are necessary for evaluating the relief requested.

(3) *Notice*. The City shall display a notice on the city's public notice bulletin Board and shall maintain copies available for review in the Department and the Office of the City Clerk. The notice shall advise the public that a request for zoning relief under a federal and Florida law is pending. The location, date and time of the applicable public hearing shall be included in the notice. Mailed notice shall also be provided to property owners within 300 feet of the subject property, if the request for relief is site specific, in accordance with the procedure provided in section 27-41(l)(3).

(4) *Application and Hearing*. The Council shall have the authority to consider and act on requests for zoning relief submitted to the Department. Prior to this, the Planning and Zoning Board shall hear this item and provide a recommendation on the matter to the City Council within 120 days of receipt by the City of the request for relief. A final public hearing shall be held at the next available Council meeting or within a period not exceeding 90 days of the Planning and Zoning Board public hearing, whichever is less. A written determination shall be issued by resolution no later than thirty days after the conclusion of the final public hearing. The determination may:

a. grant the relief requested;

b. grant a portion of the request and deny a portion of the request, and/or impose conditions upon the grant of the request; or

c. deny the request. Any determination denying the requested relief shall be final, in writing, and shall state the reasons the relief was denied. The final written determination shall be sent to the requesting party by U.S. certified mail, return receipt requested.

(5) *Additional Information*. If necessary, prior to the public hearing, the City may request additional information from the requesting party, specifying in sufficient detail what information is required. In the event a request for additional information is made to the requesting party by the city, the 120-day time period to schedule a public hearing shall be extended by ninety (90) days to include the time necessary to seek and review the additional information. The requesting party shall have fifteen (15) days after the date the information is requested to provide the needed information. If the requesting party fails to timely respond with the requested additional information, the City shall notify the requesting party and proceed with scheduling a public hearing and issuing its final written determination regarding the relief requested.

(6) *Criteria*. In determining whether the zoning relief request shall be granted or denied, the applicant shall be required to establish:

a. The applicant has a claim to relief or damages under a federal and Florida law or combination thereof, which will likely be successful;

b. The applicant believes in good faith that the city through implementation of its LDR has intentionally or unintentionally violated federal and Florida law for the reasons stated in the zoning relief request; and

c. The applicant satisfies the standard set forth in the applicable federal or Florida statute(s), or legal precedent interpreting the applicable statute(s).

(7) *Exhaustion Required*. Completion of the zoning relief procedures shall be a supplement to and not a substitute for any other pre-litigation dispute resolution processes available by law to the city or the applicant. Completion of the zoning relief procedures shall constitute the exhaustion of all administrative remedies available from the city.

(8) *Effect while Pending*. While an application for zoning relief or appeal of a determination of same is pending before the City, the City will not enforce the subject LDR, rules, policies, and procedures against the property owner, except that the city may seek injunctive relief if an imminent threat to the health, safety and welfare of the public is present.

Sec. 27-56. – Use Variances.

(a) *Purpose*.

(1) A use variance is a zoning use approval that permits a use on a property-specific basis for nonresidential zoned land where:

a. The use is not expressly prohibited in any zoning district;

b. The use is not a heavy commercial use as defined in section 27-11 of this Code;

c. The use is listed as a permitted use or as a permitted conditional use in any of the following zoning classifications where the property considered for such use does not enjoy any of the following zoning classifications: B-1P, B-2L, and CF-P;

d. The use is listed as a permitted use or as a permitted conditional use in any of the following zoning classifications and where the property considered for such use enjoys a B-2L zoning classification: B-1P, and CF-P;

e. The use is listed as a permitted use or as a permitted conditional use in any of the following zoning classifications and where the property considered for such use enjoys a B-1P zoning classification: CF-P;

f. The requirements of this section are satisfied; and

g. The city deems it inappropriate to amend its zoning and land development regulations.

Use variances are intended to be granted only in unique and exceptional circumstances on nonresidential zoned land where the proposed use is considered to be necessary for (as distinguished from convenient to) the public's health, safety, or welfare.

(2) Those use variances which are deemed by the City to be of low impact upon the subject property, the surrounding property, and neighborhood, may be granted the following relief from providing of the measurable standards and criteria contained within this section:

a. The preparation of a detailed, binding, buildable site plan;

b. The preparation of a traffic impact study; and,

c. The preparation of a market study.

A request for such relief shall be presented to the Director [uses considered to be of low impact shall be those where the property is developed, minimal exterior alterations to existing structures shall be made to accommodate the use, there is adequate parking on-site to accommodate the use (and all other uses of the subject property), the use does not, in conjunction with the existing, utilized uses of the property, generate trips in excess of the development approved for the property, and the use is clearly harmonious with the present utilization of the property and of the surrounding property].

(b) *Application and review process.*

(1) An application for a use variance shall not be accepted by the Director of Planning Zoning and Economic Development unless the City Council adopts a motion after vote by which it determines that it does not wish to enact an amendment to the city's zoning and land development regulations so as to regulate the proposed use in some manner (e.g., to make same prohibited in all zoning districts, or to make same a conditional use, a permitted use, or a contingent use in the zoning district the subject property enjoys). In determining whether to amend the city's zoning and land development regulations so as to regulate a use in some manner, the matter shall be considered a legislative item. Regardless of whether it is sponsored the planning, zoning, and economic development department, or requested by one interested in real property, the legislative item shall be formally reviewed by the Director of Planning Zoning and Economic Development who shall issue a written report.

(2) An applicant for a use variance must submit a use variance application to the Department. Except for those applications which are considered and approved pursuant to Section 27-51(b) and (j) of these LDRs pertaining to the subject of site

plan amendments or de minimus site plan revisions, all use variance applications shall be subject to advisory review by the DRC and Planning and Zoning Board prior to being reviewed and either approved or denied by the City Council.

a. The applicant must submit a binding and buildable site plan to accompany the application (which correctly reflects ingress and egress to the proposed use, the landscaping, parking, buffering, etc., of the subject property, the exterior elevations of any structure to be erected, including the materials to be utilized thereon), a traffic impact study, a market study, a writing addressing each of the applicable decisional criteria, and such other information as the applicant desires.

b. The application will be reviewed using the measurable standards and criteria set forth in section 27-56(c).

c. When granting any use variance, the City may attach conditions and safeguards as it determines are appropriate to assure the satisfaction of the measurable standards and criteria set forth in section 27-56(c).

(c) *Standards for granting use variances*. A use variance shall not be granted by the city unless it determines that:

(1) The nature of the use variance is such that it is necessary for the health, safety, or welfare of the inhabitants of the city, and is not a mere convenience to such inhabitants;

(2) A present need for the proposed use exists for service to the population in the area, considering the present availability of similar uses that may serve such population and such area's existing development);

(3) Special conditions and circumstances exist that are peculiar to the land, structure, or building involved, which are not applicable to other lands, structures, or buildings in the same zoning district, which constitute marked exceptions to other properties in the district, and which prevent the reasonable use of said land, structure, or building;

(4) The literal application of the zoning and land development regulations under such special conditions and circumstances would create an unnecessary hardship which is not self-created;

(5) Not granting the use variance would deprive the applicant of a substantial property right that is enjoyed by other property owners within the district and within the surrounding property (nonconforming use of neighboring lands, structures or buildings, in the district or surrounding property, shall not be grounds for issuing a use variance);

(6) The requested use variance is of such character, size, and location so as to not change the nature of the principal permitted usage on the property, or will not conflict with the intent and purpose of the zoning district within which the property is located;

(7) The use variance requested is consistent with the comprehensive plan;

(8) The use variance is compatible with the general plan for the physical development of the district and surrounding property, and is in harmony with the general character of the existing structures for the subject property, district, and the surrounding property, considering design, scale, and bulk of any new structures, the intensity and character of the proposed use, the use regulations of the district and how the district and subject property has developed, the character of the surrounding property, and traffic and parking conditions;

(9) The use variance will not create a traffic hazard or traffic nuisance because of its location in relation to similar uses, necessity of turning movements in relation to its access to public roads or intersections, or its location in relation to other buildings or proposed buildings on or near the site or the traffic pattern from such buildings, or by reason of its location near a vehicular or pedestrian entrance or crossing to a public or private school, park, playground or hospital, or other public use or place of public assembly (where such use variance involves heavy vehicular traffic ingressing or egressing from adjacent roadways or on-site, or is deemed a trip generating use, a traffic analysis shall be submitted by the applicant with suggested means of ameliorating such traffic impact);

(10) The use variance will not be detrimental to the use, peaceful enjoyment, economic value, or development of the subject property, district, surrounding property, or the neighborhood, and will cause no objectionable noise, vibration, fumes, odors, dust, glare, or physical activity;

(11) The use variance will not adversely affect the health, safety, security, morals, or general welfare of the residents, visitors, or workers of the subject property, the surrounding property, or the neighborhood; and

(12) The use variance will not, in conjunction with existing development in the neighborhood, or surrounding property, overburden existing public services and facilities, including schools, police and fire protection, water, sanitary sewer, public roads, storm drainage, and other public improvements, and will not create a hazard by virtue of its size and location to residents, visitors, or workers in the neighborhood or surrounding property.

(d) *Burden of proof.*

(1) The applicant for a use variance shall have the burden of proof which shall include the burden of going forward with the evidence and the burden of persuasion on all questions of fact which are to be determined by the governing body of the city.

(2) The applicant must establish all questions of fact and the satisfaction of this division's measurable standards and criteria by clear and convincing evidence.

(3) Use variances are zoning decisions which permit uses otherwise not legislatively sanctioned by the city's zoning and land development regulations. It will therefore be presumed that an application for use approval does not satisfy the measurable standards and criteria set forth in section 27-56(c).

(4) *Definitions*. Within this section, the words "area," "neighborhood," and "surrounding property" shall have the same definitions as set forth in section 27-11 of these LDRs. The word "subject property" shall mean the parcel of land on which the use variance is sought. The word "district" shall mean the zoning district category assigned to the subject property (and shall also include authorized variations to such zoning district categories when the subject property also lies within a special public interest overlay zoning district).

(e) *Minor use variance*. A minor use variance is defined as a change of use located entirely within an existing building having a gross floor area equal or less than four thousand (4,000) square feet. Minor use variances may be approved administratively or by the Planning Advisory Committee as set forth in Table 56-1 below.

Table 56-1
Minor Use Variance

Minor Use Variance (gross square feet)	Administrative Approval	Administrative Approval (Discretionary DRC Review)	Plans Adjustment Committee (Discretionary DRC Review)
Less than 1,800 sq. ft.	✓		
Between 1,800 sq. ft. and 2,999 sq. ft.		✓	
Between 3,000 sq. ft. and 4,000 sq. ft.			✓

(1) *Criteria for approval*. In addition to other standards and criteria in this Code that apply to the proposed development, the Director in reviewing a minor use variance shall consider:

a. Whether the minor use variance will or may adversely affect the peaceful enjoyment of the surrounding property;

b. Whether there is any probability of an increase of any objectionable noise, vibration, fumes, odor, glare or physical activity;

c. Whether insufficient on-site parking will result and whether traffic conditions on-site, off-site, or both, will be adversely affected;

d. Whether the proposed minor use variance may overburden existing public services and facilities, including schools, police and fire protection, water, sanitary sewer, public roads, storm drainage and other public services or infrastructure; and

e. The character of the proposed minor use variance and the character of the surrounding property.

(2) *Director deliberations*. An administrative decision with respect to a minor use variance approval is a discretionary administrative decision. No hearing shall be required. In those cases where the Director determines that DRC review is required, said review may take place without a DRC meeting. If a DRC member does not indicate approval of the minor use variance application within seven (7) days of receiving the application from the Department, the DRC member shall be deemed to have objected to the application. The Department shall encourage the applicant to meet with the applicable DRC member department to determine if concerns can be met.

(3) *Referral to Plans Adjustment Committee*. If the Director does not wish to approve an application for a minor use variance, it may be referred by the Director to the Plans Adjustment Committee.

(4) *Effect of denial.* In the event the Director does not approve an application for a minor use variance, such lack of approval shall be without prejudice, and the property owner may file such applications as may be available to have the substance of the request considered de novo by proper practices and procedures other than those contained in this subsection.

(5) *Elected official "call up" procedure—City Council review*. An administrative decision to approve a minor use variance shall become final fourteen (14) days after it is reduced to writing and:

a. placed in the mail addressed to the applicant; and

b. placed in the mail addressed to all property owners as disclosed by the most recent tax roll within three hundred (300) feet of the property for which the minor conditional use was granted; and

c. transmitted to the elected officials. The notice of the decision must advise the addressees of the right of any Councilmember to require the City Council's quasi-

judicial consideration of the matter, provided a Councilmember makes the request to the City Clerk during such fourteen-day time period to advertise the matter for consideration at the next reasonably available City Council meeting. The City's regular advertising requirements shall apply to the City Council meeting at which the item will be considered (i.e., the proposed minor use variance shall be advertised in the same manner as a use variance), and at such advertised meeting, the City Council may approve or deny the application

(f) *Time period for expiration of use variances*. Provided a use variance is not vacated, abandoned, or discontinued for a period of six (6) months, and in the absence of any other specific time period for the expiration of such use variance, a use variance shall cease within seven (7) years when there are no buildings employed on the premises in connection with such use variance, or if no modification to the exterior of a building is made, the interior tenant improvements) have a replacement value of two thousand ($2,000.00) dollars or less. When there are buildings and structures employed on the premises in connection with such use (or when there are interior tenant improvements made where the exterior of the building is not modified) which have a replacement value of two thousand ($2,000.00) dollars or greater, such use may be continued until the earlier of the following two (2) dates:

(1) Until such structure is destroyed by any means to an extent of more than fifty (50) percent of its replacement cost at the time of destruction; or

(2) Six (6) months after the expiration of the respective periods of time set out hereinafter, which periods are hereby established as the reasonable amortization of the normal useful life of each class of building and type of construction being as defined and specified in the Florida Building Code:

a.	Type I. Fire-resistive construction ….....	30 years
b.	Type II. Heavy timber construction ….....	25 years
c.	Type III. Ordinary masonry construction …..	20 years
d.	Type IV. Metal frame construction ……..	12 years
e.	Type V. Wood frame construction ……	7 years

The seven (7), twelve (12), twenty (20), twenty-five (25), and thirty (30) year periods set forth in various parts of this section shall commence at the time a certificate of occupancy or completion is issued for the use variance, or if no improvements requiring permits need to be made to accommodate the use, the time it receives its first occupational license.

(g) Limitation of Approval. Use variance approvals granted by the City are non-transferable. Individuals or corporations wishing to continue and existing business use for which a use variance was granted by the City must re-apply for use variance approval.

Sec. 27-57. - Reserved

Sec. 27-58. - Reserved.

Sec. 27-59. - Building Permits. new

(a) *Purpose and Applicability*. The building or site improvement permit and certificate of occupancy represent the last point in the development review process. All other approvals, permits and certificates required by this Code must be obtained before an application for a building permit may be considered for approval by the City, with the exception of certain zoning permits requested subsequent to construction. The Florida Building Code, Broward County edition, as amended, is hereby adopted as the regulation governing the construction of buildings and structures in the City. Any qualified applicant desiring a permit to be issued by the Building Official as required, shall file the appropriate application forms, along with all established and required fees, documents, and plans, to the Building Department. No development shall occur until and unless the Building Department has issued the appropriate building or site improvement permit(s).

(b) *Application Requirements*. Application requirements shall be as set forth by the Florida Building Code and Building Department.

(c) *Action by the Department*. The Building Official or said designee(s) shall review all applications for building permits or certificates of occupancy for compliance with the provisions of this LDR, the City Code and the Florida Building Code, Broward County edition, as amended. The Building Department shall issue a building or site improvement permit if the applicant demonstrates that the proposed development is in compliance with all applicable codes and level of service standards and any other approvals required by this Code.

(d) *Permit Card*. Upon approval of plans, specifications and application for permit and the payment of the required fees, the building official shall issue a permit. The permit shall be maintained in a conspicuous place on the front of the premises affected thereby during the hours of work in progress and available on demand for examination by inspectors.

Sec. 27-60. - Certificates of Occupancy.

(a) *Purpose and Effect*. No new building or structure shall be used or occupied unless and until a certificate of occupancy (CO) has been issued by the building department. No addition or structural alteration to any existing building or structure, other than a single-family detached dwelling, shall be used or occupied until and unless the CO or certificate of completion (CC) has been issued. No new nonresidential use, and no change in the occupancy of an existing nonresidential use, shall be established until and unless a CO has been issued.

(b) *Standards and Review*. A CO shall be issued only after the premises have been inspected and found to comply with all applicable standards and requirements for the zoning district in

which they are located, and that the use or structure conforms to the plans and specifications for which the building permit was issued.

(c) *Action by Building Department and Fire Department*. The CO shall be issued, or notice shall be given to the applicant specifying the reasons a CO cannot be issued after the Building Department is notified that the building or premises are ready for occupancy. A CO cannot be issued until all inspections have been approved by all required City Departments.

Sec. 27-61. - Zoning Permits and Planning Services.

Zoning permit application forms, along with all established and required fees, documents, and plans, shall be submitted by the applicant to the Department, with the exception of those applications and requests originating from another governmental entity as well as building permits originating from the Building Department. Zoning permits and planning services include, as set forth in table 61-1 below, the review and determination of:

Table 61-1

Zoning Permits	Administrative	City Council	External Agency	Code Reference 1
Alcohol Beverage License Review (ABL) - permanent	✓		✓	Chapter 3 Code of Ordinances
Alcohol Beverage License Review (ABL) - Temporary (1 to 3 day license)	✓		✓	-
Bottle Club License	✓		✓	Chapter 3 Code of Ordinances
Group Home Review	✓		✓	F.S. 419
Declaration of Covenants and Restrictions	✓			-
Cooperative Parking Agreements		✓		LDR 27-95(e)(1)
Valet and Tandem Parking Agreements	✓			LDR 27-??
Transportation Demand Management Parking Plan	✓			LDR 27-??
Flexibility Allocation or Reserve Unit (F/R)		✓		Ch. 19-67

Zoning Permits	Administrative	City Council	External Agency	Code Reference 1
Local Activity Center (LAC) Unit Allocation		✓		Ch. 19-70, 71
Reasonable Accommodation	✓			LDR 27-110
Short-Term Rentals (STR)	✓			LDR 27-113
Recording Documents (Broward County)	✓			-
Temporary Sign Permit	✓			LDR 27-172
Tree Removal / Relocation Permit (TRP)	✓			Ch. 13
Zoning Confirmation Letter	✓			-

"-" means not applicable

Sec. 27-62. - Reserved

Sec. 27-63. - Temporary Buildings or Trailers.

(a) Temporary building or trailers may only be used for model, display, demonstration and office purposes associated with onsite construction after a permit is issued. The temporary building or trailer shall be removed, prior to the issuance of the certificate of occupancy, or in the case of multiple buildings on one site prior to the issuance of the final certificate of occupancy. No temporary permit shall be issued for a trailer or temporary building allowing for public visitation until a landscaping and temporary parking plan is submitted for the parcel on which a temporary permit is sought.

(b) The temporary permits to be issued shall be for a period of one (1) year from the date of issuance for temporary buildings and six (6) months from the date of the issuance for temporary trailers. Prior to the issuance of the temporary permit, the Building Official may require the deposit of a sum in cash or its equivalent equal to the amount deemed necessary to remove or demolish the temporary trailer or building and any specified permitted landscaping which the Building Official deems necessary or advisable to remove. The City Council may, in its discretion, and subject to such additional conditions as it deems necessary, extend the temporary permit for temporary buildings or trailers beyond their initially stipulated term, but in no event shall temporary buildings or trailers be allowed to remain more than two (2) years from the date of issuance of the permit unless made to comply with the South Florida Building Code and all other applicable city ordinances as a permanent permitted usage of the land on which same is located or emplaced.

(c) Upon failure of the owner or the permittee to abide by the provisions of this section and the temporary permit issued regarding the removal or destruction of the temporary trailer or building and specified permitted landscaping the city is authorized to enter upon the premises where the temporary trailer or building is located to secure such removal or destruction. In the event such monies prove to be insufficient to defray the cost of such removal or destruction, the city may institute suit against the owner or permittee for the difference between the deposited monies and the cost of removal or destruction. Any amounts so reduced to judgment by the city shall constitute a lien against property upon which the temporary building or trailer was situated. Temporary buildings ordinarily used by a contractor or builder during construction, such as tool sheds and water closets, shall be permitted during the course of construction without the necessity of any special permit; but the buildings shall be removed when construction has been substantially completed.

Sec. 27-64. - Archaeological and Historical Landmarks.

(a) *Purpose and Intent*. The intent of this subsection is to preserve and protect the heritage of the city through the identification, evaluation, and public awareness of the city's archaeological and historical resources. This subsection is further intended to:

(1) Affect and accomplish the protection, enhancement and perpetuation of archaeological resources which represent distinctive elements of the area's heritage;

(2) Foster civic pride in the accomplishments of the past;

(3) Protect and enhance the city's attraction to residents, tourists and visitors, thereby serving as a support and stimulus to the economy;

(4) Promote the use of archaeological sites for the education, pleasure, and welfare of the people of the city and the community;

(5) Provide the framework and legal mechanism for identifying and designating those properties that have significance in the city's archaeological heritage; and

(6) Assure that ground disturbing activity and new construction within designated archaeological sites is compatible with the properties' character.

(b) *Standards for Designation*.

Properties may be designated as archaeological sites only if they have significance in the archaeological heritage of the area, state, or nation, and meet one or more of the following criteria:

(1) Are associated in a significant way with the life of a person important in the past;

(2) Are the site of a historic event with significant effect upon the community, city, state, or nation;

(3) Exemplify the historical, cultural, political, economic, or social trends of the community;

(4) Have yielded, or may be likely to yield, information important in prehistory or history;

(5) Contains any subsurface remains of historical or archaeological importance or any unusual ground formations or archaeological significance;

(6) Is designated in the comprehensive plan and/or Florida Master Site File.

(c) *Procedures for Designation*.

Properties which meet the criteria above may be designated as archaeological or historical sites in accordance with the following procedures.

(1) *Proposals*. Proposed designations may be made by the property owner, Council or the chief administrative officer and shall include, but not be limited to, the legal description of the site, photographs of the site, a statement of significance and other information supporting the proposal.

(2) *Designation Report*. For every proposed archaeological site, the chief administrative officer or designated city staff shall prepare a designation report containing the following information:

a. *Statement of Significance*: A statement of the Planning and Zoning Board outlining the significance of the proposed archaeological site, the criteria upon which the designation is based, and a physical description of the property; and

b. *Boundaries*: A map or map series indicating the proposed boundaries. Archaeological site boundaries shall generally conform to natural physiographic features which were the focal points for prehistoric and historic activities or may be drawn along property lines, streets, or geographic features to facilitate efficient management; and

c. *Recommendation*: The designation report shall also contain a recommendation on whether the City Council should designate the property as an archaeological site or historic landmark.

(3) *Review by Planning and Zoning Board*. The Planning and Zoning Board shall provide public notice and hold a public hearing for the purpose of considering any proposed designation. Based upon the evidence at such hearing and the designation report, the

Board shall make a recommendation to the Council on whether to approve, approve with conditions, or deny the proposed designation.

(4) *Consideration by City Council*. The City Council shall conduct a public hearing to determine whether the proposed archaeological site meets the criteria outlined in section 27-64(b), for the purpose of considering any proposed designation and shall act to approve, approve with conditions, amend or deny the proposed designation.

(5) *Appeals*. Appeals from decisions of the City Council may be made to the courts as provided by the Florida rules of appellate procedure. The decision of the Council shall be final and remain in effect during the entire appeal process, unless stayed by a court of competent jurisdiction.

(e) *Effect of Designation*. Upon designation, no new construction or ground disturbing activity shall be permitted within the designated archaeological site without the issuance of a development approval by the Council. No permits shall be issued by the city for any work until such approval is granted.

(f) *Procedures for Obtaining Development Approval*.

(1) *Pre-application Conference*. Before submitting an application for a development approval, an applicant is encouraged to confer with the city to obtain information and guidance.

(2) *Application for Development Approval*. The applicant shall submit to the city an application together with supporting exhibits and other material as required by the city.

(3) *Planning and Zoning Board Public Hearing.* When a complete application is received, the Planning and Zoning Board shall hold a public hearing. The purpose of the hearing is to hear all the evidence and formulate and make a recommendation to the Council.

(4) *Decision of the City Council*. The decision of the City Council shall be based upon the guidelines, as well as the general purpose and intent of this subsection and any specific design guidelines officially adopted for the particular archaeological site.

(5) *Expiration of Development Approval*. Any development approval issued pursuant to the provisions of this section shall expire one (1) year from the date of issuance, unless the authorized work is commenced within this time period.

(g) *Guidelines for Issuing Development Approval*. No development approval shall be issued by the Council for new construction, excavation, tree removal, or any ground disturbing activity unless there is substantial competent evidence that the work will not alter the character and integrity of the archaeological site. Where it is determined that the character and integrity of the archaeological site will be altered, the Council may grant the development approval if

the applicant can demonstrate that a denial of such approval will result in an unreasonable economic hardship. The Council, in granting a development approval, may require one or more of the following:

(1) Scientific excavation and evaluation of the site at the applicant's expense by an archaeologist approved by the Council.

(2) An archaeological survey at the applicant's expense conducted by an archaeologist approved by the Council containing an assessment of the significance of the archaeological site and an analysis of the impact of the proposed activity on the archaeological site.

(3) Mitigation, including protection or preservation of all or part of the archaeological site for green space. Any report or survey shall be prepared by archaeologist with a substantial practical or academic background in historical archaeology, ethnoarchaeology, experimental archaeology, archaeometry or archaeological science and shall be certified to and for reliance by the city.

(h) *Administration, Enforcement, Violations, and Penalties*.

(1) *Enforcement*. The department shall assist the city by making necessary inspections in connection with the enforcement of this section. The department shall be responsible for promptly stopping any work attempted to be done without or contrary to any development approval required under this subsection, and shall further be responsible for ensuring that any work not in accordance with a development approval is voluntarily corrected to comply with said development approval.

(2) *Violation and Penalties*. Any person who conducts or causes any work in violation of this subsection shall be required to restore the site either to its appearance prior to the violation or in accordance with a development approval by the city.

(3) Conflicts. Where there are conflicts between these requirements and other code provisions regarding the same subject, the most restrictive requirements shall apply.