

ORDINANCE NO. 2005-005

AN ORDINANCE OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA REPLACING CHAPTER 39, "ZONING CODE", OF THE TOWN OF SOUTHWEST RANCHES CODE OF ORDINANCES IN ITS ENTIRETY WITH REVISED ZONING REGULATIONS; REPLACING ARTICLE IX OF CHAPTER 5, "LAND DEVELOPMENT CODE," OF THE TOWN OF SOUTHWEST RANCHES CODE OF ORDINANCES IN ITS ENTIRETY WITH REVISED LAND DEVELOPMENT REGULATIONS; COMBINING THE REVISED ZONING AND LAND DEVELOPMENT REGULATIONS WITHIN CHAPTER 39 OF THE SOUTHWEST RANCHES CODE OF ORDINANCES TO CREATE A UNIFIED LAND DEVELOPMENT CODE; AMENDING THE OFFICIAL ZONING MAP OF THE TOWN TO RECLASSIFY AND TO REZONE ALL LAND ZONED 1-ACRE ESTATE (E-1) AND PLANNED UNIT DEVELOPMENT (PUD) TO RURAL ESTATES (RE), TO RECLASSIFY AND TO REZONE ALL LAND ZONED 2-ACRE ESTATE (E-2) TO RURAL RANCHES (RR), TO RECLASSIFY AND TO REZONE ALL LAND ZONED LIMITED HEAVY INDUSTRIAL (M-4) TO MANUFACTURING (M), TO RECLASSIFY AND TO REZONE ALL LAND ZONED INTENSE COMMERCIAL BUSINESS (B-3) TO COMMUNITY BUSINESS (CB), AND TO RECLASSIFY AND TO REZONE ALL LAND ZONED CEMETERY DISTRICT (A-9) TO COMMUNITY FACILITY (CF); PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Town of Southwest Ranches was created on June 6, 2000; and

WHEREAS, pursuant to Section 9.03 of the Town's Charter, until otherwise modified or replaced by the Town, all Codes, Ordinances, and Resolutions of Broward County, Florida, shall remain in effect; and

WHEREAS, the Town, after working under the Broward County Codes for the past four years, desires to create its own Unified Land Development Code to help preserve and to enhance the rural lifestyle of its community; and

WHEREAS, the Town desires to replace Chapter 39, "Zoning Code", of the Town of Southwest Ranches Code of Ordinances and Article IX of Chapter 5 of its Land

Development Regulations in its entirety and to combine these documents to create the Unified Land Development Code; and

WHEREAS, in creating its own Unified Land Development Code, the Town wishes to eliminate certain zoning classifications and desires to amend the Official Zoning Map of the Town to reclassify and to rezone all land zoned 1-Acre Estates (E-1) and Planned Unit Development (PUD) to Rural Estates (RE), to reclassify and to rezone all land zoned 2-Acre Estates (E-2) to Rural Ranches (RR), to reclassify and to rezone all land zoned Limited Heavy Industrial (M-4) to Manufacturing (M), to reclassify and to rezone all land zoned Intense Commercial Business (B-3) to Community Business (CB), and to reclassify and to rezone all land zoned Cemetery District (A-9) to Community Facility (CF); and

WHEREAS, to further preserve the Town's rural lifestyle the Town has made additional modifications to the remaining zoning classifications; and

WHEREAS, the Town Council believes that the Unified Land Development Code and the changes that have been made will help to protect the health, safety and welfare of its citizens.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA THAT:

Section 1. The foregoing "WHEREAS" clauses are true and correct and hereby ratified and confirmed by the Town Council.

Section 2. That following an extensive review of the staff report, the recommendation from the Local Planning Agency, all written and oral evidence received during the public hearing, the criteria set-forth in the Town Code, and the standards

set-forth in both state and federal law, the Town Council hereby finds that it has been demonstrated by competent substantial evidence that all of the necessary criteria has been satisfied and therefore adopts its Unified Land Development Code.

Section 3. In adopting its Unified Land Development Code the Town specifically replaces Chapter 39, "Zoning Code", of the Town of Southwest Ranches Code of Ordinances in its entirety with revised Zoning Regulations and further replaces Article IX of Chapter 5, "Land Development Code" of the Town of Southwest Ranches Code of Ordinances in its entirety with revised Land Development Regulations.

Section 4. The Town hereby combines its revised Zoning and Land Development Regulations to create its Unified Land Development Code.

Section 5. The Town hereby amends the Official Zoning Map of the Town to reclassify and to rezone all land zoned 1-Acre Estates (E-1) and Planned Unit Development (PUD) to Rural Estates (RE), to reclassify and to rezone all land zoned 2-Acre Estates (E-2) to Rural Ranches (RR), to reclassify and to rezone all land zoned Limited Heavy Industrial (M-4) to Manufacturing (M), to reclassify and to rezone all land zoned Intense Commercial Business (B-3) to Community Business (CB), and to reclassify and to rezone all land zoned Cemetery District (A-9) to Community Facility (CF).

Section 6. Town Clerk is hereby directed to record a copy of this Ordinance in the Public Records of Broward County, Florida and to make the Unified Land Development Code easily accessible to the public.

Section 7. Conflicts. All Ordinances or parts of Ordinances, Resolutions or parts of Resolutions in conflict herewith, be and the same are hereby repealed to the extent of such conflict.

Section 8. Severability. If any word, phrase, clause, sentence, or section of this ordinance is for any reason held unconstitutional or invalid, the invalidity thereof shall not affect the validity of any remaining portions of this ordinance.

Section 9. Effective Date. This Ordinance shall be effective immediately upon its adoption.

PASSED ON FIRST READING this 10th day of February, 2005 on a motion made by Vice Mayor Aster Knight and seconded by Council Member Forest Blanton.

PASSED AND ADOPTED ON SECOND READING this 14th day of April, 2005, on a motion made by Vice Mayor Forest Blanton and seconded by Council Member Don Maines.

Fink	<u>Y</u>
Knight	<u>Y</u>
Blanton	<u>Y</u>
Maines	<u>Y</u>
Nelson	<u>Y</u>

Ayes	<u>5</u>
Nays	<u>0</u>
Absent or Abstaining	<u>0</u>



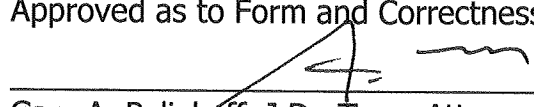
Mecca Fink, Mayor

Attest:



Shari Canada, Town Clerk

Approved as to Form and Correctness:



Gary A. Poliakoff, J.D., Town Attorney

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TOWN OF SOUTHWEST RANCHES UNIFIED LAND DEVELOPMENT CODE

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Prepared by:
Michele Mellgren & Associates, Inc.
April 15, 2005

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1 **ARTICLE 5. ADMINISTRATION AND LEGAL PROVISIONS.**

2
3
4 **Section 005-010. Purpose and intent; division of town into districts.**

5
6 (A) The purpose of this Code is to protect the high quality of living; the rural,
7 semi-rural and agrarian character; and, the public health, safety and
8 general welfare of the community through regulations that implement the
9 Comprehensive Plan; and control the subdivision, use and development of
10 land, including the use of land, buildings, structures, and other
11 improvements thereon; protect the overall appearance of the community,
12 and ensure the availability of public facilities and services concurrent with
13 demand.

14
15 (B) In order to effectively protect and promote the general welfare and to
16 accomplish the goals, objectives and policies of the Comprehensive Plan,
17 the Town is divided into zoning districts of such number, shape and area,
18 and of such common unity of purpose and use, that are deemed most
19 suitable to provide for the best general civic use, to protect rural, semi-rural,
20 and agrarian character of the Town, to protect the common rights and
21 interests of all, and to promote compatibility between land uses.

22
23
24 **Section 005-020. Short title; scope.**

25
26 This Chapter shall be known and cited as the Town of Southwest Ranches
27 Unified Land Development Code (ULDC).

28
29
30 **Section 005-030. Enforcement, interpretation, purpose and conflict.**

31
32 (A) The Town Administrator, Town Attorney and Town Council, as applicable,
33 shall designate Town personnel and contractual agents of the Town, who
34 shall have the authority to enforce the provisions of the ULDC.

35
36 (B) Where it is found that any of the provisions of the ULDC are being violated,
37 enforcement proceedings may be initiated against the real property owner,
38 the tenant if applicable, and any other person violating the provisions of the
39 ULDC as provided in the Town of Southwest Ranches Code of Ordinances
40 and as otherwise provided by law. Any enforcement procedure authorized
41 by the Town of Southwest Ranches Code of Ordinances, county or state
42 law, may be used to enforce the provisions of the ULDC. It shall be at the
43 discretion of the Town Attorney to determine which method of enforcement
44 is appropriate and whether more than one (1) method of enforcement
45 should be brought, as provided by law.

- 1 (C) In addition to enforcement by the Town Administrator, the provisions of the
2 ULDC may be enforced by the Town's law enforcement agency as
3 violations of a Town ordinance and as such shall be punishable as
4 provided by law.
5
- 6 (D) Further, the Town Council or Town Administrator may authorize the Town
7 Attorney to bring legal action in a court of competent jurisdiction.
8
- 9 (E) Where the ULDC includes regulations on the same point as contained in
10 any other law or ordinance, the provisions of the ULDC shall govern unless
11 otherwise prohibited by law; except that where the regulations of the other
12 law or ordinance are more restrictive than those of the ULDC, the other
13 shall govern.
14
- 15 (F) Where the numeric and spelled-out expressions of a given standard
16 contained within the ULDC are not in agreement, the stricter and least
17 permissive of the two (2) shall prevail. For example, if a minimum yard
18 requirement is expressed as "twenty-five (5) feet," the text, "twenty-five
19 feet" prevails, and if, for example, a maximum height requirement is
20 expressed as "twenty-five (20) feet," the numeric expression, "(20)"
21 prevails.
22

23
24 **Section 005-040. Official zoning map.**
25

- 26 (A) The areas assigned to the Town's zoning districts, the designations of
27 same, and the boundaries of said districts shown upon the map adopted
28 with these regulations, which map may be amended from time to time by
29 ordinance, and which is made a part of the ULDC by reference, is hereby
30 established, said map being designated as the "Official Zoning Map"; and
31 said map and the proper notations, references and other information shown
32 thereon shall be as much a part of the ULDC as if the matters and
33 information set forth by said map was fully described herein.
34
- 35 (B) Each district shall be subject to the regulations stipulated in this Code.
36
37

38 **Section 005-050. District boundaries.**
39

- 40 (A) Unless otherwise shown, the district boundaries are street lines, alley lines,
41 watercourses, or the subdividing or boundary lines of recorded plats or lots,
42 or the extensions thereof, and where the districts designated on the Official
43 Zoning Map are approximately bounded by street lines, alley lines,
44 watercourses, or the subdividing or boundary lines of recorded plats or lots,
45 such lines or the extension thereof shall be considered to be district
46 boundaries.

(B) Where, due to the scale or illegibility of the official zoning map, or due to the absence of a street, alley, watercourse, or recorded subdividing, plat or lot lines, there is any uncertainty, contradiction or conflict as to intended location of any district boundary, the Town Council shall have the power and duty of interpreting the intent of said zoning map so as to determine and designate the proper location of such district boundary in accordance with the spirit and purpose of the ULDC.

(C) *Water areas.*

The water surface and the land under the water surface of all waterways not otherwise zoned are hereby placed in the same zoning district as the land which it abuts as shown on the Official Zoning Map. Where the zoning districts shown on the Official Zoning Map are different on opposite sides of the water area, then the zoning district on each side shall extend to the center line or midpoint of the water area.

(D) *Districting of vacated ways.* Where a street or alley shown on the official zoning map is hereafter officially vacated by replatting or otherwise, the land formerly in such street or alley right-of-way shall be included within the zoning district of adjoining property on either side of said vacated street or alley. In the event such street or alley was a district boundary between two (2) or more different zoning districts, the district boundary shall be the former centerline of such vacated street or alley.

Section 005-060. Regulation of unzoned property.

Any property which has not been placed in a zoning district, or which has not otherwise been zoned is hereby classified as the most restrictive zoning district classification consistent with the designation of said unzoned lands as indicated on the Future Land Use Plan Map of the Comprehensive Plan.

Section 005-070. Consistency with the land use plan.

(A) Whenever the permitted uses or district regulations applicable to any zoning district permit some uses that are not permitted by the applicable land use plan designation for the property, the provisions of the land use plan shall operate to prohibit those uses on that property as if such restrictions were fully set forth in this ULDC. Where an existing lawful use of land or a building is no longer permitted by the land use plan, such use of land or building shall be considered nonconforming and subject to Article 30, "Nonconforming structures, uses and plots," unless a contrary result is specifically provided for in the land use plan.

- 1
2 (B) The development of land within the Town shall conform to the
3 Comprehensive Plan.
4

5
6 **Section 005-080. Permits required; expiration of permits and development**
7 **orders.**
8

- 9 (A) It shall be unlawful to use, erect, move, or otherwise alter a building,
10 structure, or part thereof; or to use, clear, fill, excavate, move, pave, grade,
11 or otherwise alter land or water unless a permit consistent with all
12 applicable provisions of the ULDC shall have been first obtained for such
13 work, except that this provision shall not be deemed to require issuance of
14 building permits for the erection, movement or alteration of farm buildings
15 and structures. The Town shall establish all requirements for such permits,
16 including but not limited to, application requirements, fees, and required
17 inspections, except that fees for permits issued under the Florida Building
18 Code may be set by Broward County to the extent it is under contract to
19 issue such permits for the Town.
20

- 21 (B) Any permit or development order issued pursuant to this Section shall be
22 valid for a period of one hundred eight (180) days from the date of issuance
23 unless a different expiration is otherwise provided for within this Code for a
24 specific permit or development order, or by official action of the Town
25 Council or Special Master. The Town Administrator may renew such a
26 permit or development order for one (1) additional six (6) month period
27 subject to compliance with current requirements of the ULDC in effect at
28 the time of application for renewal. After the date of expiration, the
29 development order shall be null and void. A new development application
30 shall be filed and shall be subject to the current requirements of the ULDC.
31

- 32 (C) A permit card, a set of approved plans, and a final as-built survey where
33 applicable, shall be available on the site where the construction is occurring
34 at all times a scheduled inspection is being conducted to ensure
35 compliance with such approved plans.
36

37
38 **Section 005-090. Compliance required.**
39

- 40 (A) No development order or permit shall be issued which is not in conformity
41 with all the provisions of the ULDC and the adopted Comprehensive Plan.
42
43 (B) No license, permit or certificate shall be issued by any department or
44 official of the Town, nor authorized agent for the Town, for the use of any
45 premises or the operation of any business, enterprise, occupation, trade,
46 profession or activity which would involve, in any way, or constitute, a

violation of the ULDC, nor shall any license, permit or certificate be issued upon any premises where there is a violation of the ULDC. The Town Administrator is authorized to require the execution of an agreement for recording where the Administrator deems it necessary for enforcement of these regulations.

(C) A development order, permit or decision issued by an agent, officer or employee of the Town, with ostensible authority over the interpretation or enforcement of this Code, shall not stop or otherwise prevent the Town from strict enforcement of the provisions of this Code.

(D) Any application for a development permit required or authorized under the ULDC shall require an effective development order to be granted by the Town Administrator or the Town Council, as applicable, prior to issuance of the development permit. No permit may be issued that is inconsistent with a development order.

Section 005-100. Conformance with approved site plan required.

All plots shall be maintained in accordance with the approved site plan, building permit plans and any other Town-approved plans unless the Town approves subsequent changes pursuant to the procedures and requirements of the ULDC.

Section 005-110. Effect of development order.

(A) No development permit shall be issued except pursuant to an effective development order.

(B) No development permit shall be issued for a development which is inconsistent with the development order governing such development.

Section 005-120. Certificates required.

(A) No nonresidentially zoned building or premises or part thereof, except farm buildings or structures, or premises zoned to permit any community facility, commercial or industrial use, except farms, or premises established as a legal nonconforming use, existing as of the effective date of the ordinance that adopted this Section, which undergoes a change of occupancy or upon which a new or different use is established, shall be occupied or used unless a certificate of use shall have been issued therefor. The original certificate shall be posted at the business location at all times.

(B) No home occupation is permitted unless a certificate of use shall have been issued therefor.

1
2 (C) The Town Administrator shall notify the holder of any certificate of use, in
3 writing, of intent to revoke a certificate of use for any of the following
4 reasons:

5
6 (1) The Town Administrator has reasonable grounds to believe that the
7 premises is being used in a manner that is inconsistent with, or
8 contrary to, the provisions of the ULDC or any other applicable code
9 or statute; or

10
11 (2) In the event of a conviction of any owner, operator, manager,
12 supervisor, or any employee acting at the direction or with the
13 knowledge of the owner, operator, manager, or supervisor, by a court
14 of competent jurisdiction, for the violation of any criminal statute
15 committed in conjunction with the business operation; or

16
17 (3) It has been ascertained that the holder of the certificate of use falsified
18 any information on the application for the certificate of use; or

19
20 (4) The holder of the certificate of use, or the holder's designated
21 manager, operator or supervisor refuses to permit an authorized law
22 enforcement officer or code compliance officer to inspect the premises
23 during normal business hours for the purpose of investigating a
24 complaint which has been filed against the business operation.

25
26 (C) All written notifications from the Town of the intent to revoke a certificate of
27 use shall be sent to the certificate holder by certified mail, return receipt
28 requested, with a copy by regular mail, to the business location. The notice
29 shall state the following:

30
31 THE HOLDER OF THE CERTIFICATE OF USE SHALL HAVE TEN (10)
32 DAYS FROM THE DATE OF THIS NOTIFICATION TO EITHER BRING
33 THE PREMISES INTO COMPLIANCE OR TO REQUEST A HEARING, IN
34 WRITING, BEFORE THE SPECIAL MASTER. IF NO WRITTEN
35 REQUEST FOR A HEARING IS RECEIVED FROM THE CERTIFICATE
36 HOLDER BY THE TOWN ADMINISTRATOR WITHIN TEN (10) DAYS OF
37 THE DATE OF THIS NOTIFICATION, THE CERTIFICATE OF USE SHALL
38 BE CONSIDERED IMMEDIATELY REVOKED.

39
40 If the holder of the certificate of use requests a hearing before the Special
41 Master, the certificate of use shall remain in effect during the pendency of
42 the action before the Special Master.
43

1
2 **Section 005-130. Right of entry.**
3

4 For the purpose of enforcing the provisions of the ULDC, officials and inspectors
5 shall have a right of entry as provided by law whenever said officials and
6 inspectors find such entry necessary for the proper discharge of their duties
7 under the ULDC. The office of the Town Attorney is hereby authorized to seek
8 inspection warrants as necessary.
9

10
11 **Section 005-140. Validity.**
12

13 Should any article, section, paragraph, sentence, clause, phrase, or other part of
14 the ULDC be declared by a court of competent jurisdiction to be invalid, such
15 decisions shall not affect the validity of the ULDC as a whole, or any part
16 thereof, other than the part so declared to be invalid.
17
18

19 **Section 005-150. Town council to amend zoning regulations.**
20

21 Whenever the public necessity, convenience, general welfare, or good planning
22 and zoning practice requires, the Town Council may, by ordinance, amend,
23 supplement, or change the regulations, district boundaries, or classifications of
24 property, now or hereafter established by the ULDC or amendments hereto.
25
26

27 **Section 005-160. Authority of Town Council to establish widths of**
28 **thoroughfares, setbacks; dedications required.**
29

30 The Town Council is hereby authorized and empowered to prescribe the width of
31 roads, streets, alleys and other thoroughfares, and setbacks therefrom. All plats
32 of lands lying within Town limits shall comply with Town thoroughfare width
33 requirements as a prerequisite of the approval for record. The widths of state
34 and county roads shall be as such may be prescribed by the Florida Department
35 of Transportation and Broward County Trafficways Plan. New development shall
36 be required to dedicated right-of-way or grant ingress and egress easement
37 rights, at the Town's choosing, as necessary to satisfy the minimum width
38 requirements of this Code for right-of-way.
39
40

41 **Section 005-170. Authority of Town Council to name, rename, number or**
42 **renumber roads, alleys, etc.**
43

44 The Town Council of the Town of Southwest Ranches is authorized and
45 empowered to name or number any road, subdivision street, alley or other
46 thoroughfare within the Town limits and to change such names or numbers. The

1 Town is authorized to designate and issue house numbers for properties
2 abutting upon such roads, subdivision streets, alleys or other thoroughfares.
3
4

5 **Section 005-180. Approval required prior to dedications and conveyances**
6 **for public purposes being made.**
7

8 No dedication of, or attempt to dedicate, any land or water for any public
9 purpose whatsoever, and no conveyance of, or attempt to convey, any land or
10 water for any public purpose whatsoever, that may be made hereafter, shall be
11 effective unless and until the same shall be accepted and approved by
12 resolution or ordinance of the Town Council, as applicable.
13
14

15 **Section 005-190. Separations and other measurements.**
16

17 (A) Any separation, distance limitation or setback required by the ULDC shall
18 be applied without regard to municipal boundaries, and shall be applied in
19 the same manner as if the abutting jurisdictions were part of the Town of
20 Southwest Ranches.
21

22 (B) Unless otherwise specified, all distance separations required by the ULDC
23 shall be measured in a straight line, using the shortest airline distance
24 between the two (2) or more points being measured (ie: properties,
25 buildings, portions of buildings, entrances to buildings etc., as applicable to
26 each specific provision).
27
28

29 **Section 005-200. Misrepresentation or withholding of information.**
30

31 Misrepresentation or withholding of information by an applicant or party to an
32 application, whether intentional or not, is ground for revocation of any approvals
33 or permits issued based in any part upon the misrepresentation or withheld
34 information.
35
36

37 **Section 005-210. Local planning agency.**
38

39 The Town Council or its designee shall act as the Local Planning Agency (LPA)
40 for the Town of Southwest Ranches for purposes of Chapter 163.3174, Florida
41 Statutes, as may be amended from time to time. The LPA may also be known
42 as the Planning and Zoning Board (PZB).

1
2 **Section 005-220. Computation of time.**

3
4 If the last day of a time period is a Saturday, Sunday or legal holiday, the period
5 shall run until the end of the next day which is neither a Saturday, Sunday nor
6 legal holiday.
7

8
9 **Section 005-230. Violation of development order conditions.**

10
11 An application for a development permit may be deferred, denied, or approved
12 with appropriate conditions, when the property is in violation of a condition of a
13 previously approved development order.
14

15
16 **Section 005-240. Authority to withhold permits and approvals; zoning in**
17 **progress.**

18
19 When a change of text of the Comprehensive Plan or ULDC, or Town-initiated
20 change in the Future Land Use Plan Map or Zoning Map is being considered by
21 the Town Council, no permit or development order shall be issued by the Town
22 for a period of time not to exceed six (6) months after notice of a public hearing
23 before the Town Council for such a change has been published, where the
24 issuance of such permit or development order might result in the nonconforming
25 or unlawful use of property should such proposed change be adopted; provided
26 that, the Council may extend the zoning in progress by up to six (6) additional
27 months if deemed necessary for the public health, safety and welfare; and
28 further provided that, if final action by the Town Council is not taken on the
29 proposed change within the timeframe prescribed above, the permit or
30 development order shall be issued if it is consistent with existing permitted land
31 uses or zoning district requirements.
32

33
34 **Section 005-250. Town uses.**

35
36 The provisions of this Code are not intended, and shall not be construed, to
37 preclude the use of any property by the Town of Southwest Ranches in any
38 Town government capacity, function or purpose as determined by the Town
39 Council.
40

41 **Section 005-260. Street closures.**

42
43 The Town Council is authorized to close streets within the Town pursuant to
44 Florida Statutes Section 316.008 as may be amended from time to time.

1
2 **ARTICLE 10. DEFINITION OF TERMS.**
3
4

5 **Section 010-010. General construction of terms.**
6

7 For the purpose of the ULDC, certain terms used herein are defined. When not
8 inconsistent with the context:
9

- 10 (A) Words used in the present tense include the future, words in the singular
11 number include the plural and words in the plural number include the
12 singular number.
13
14 (B) The word "shall" is always mandatory and not merely directory.
15
16 (C) The word "may" is permissive.
17
18 (D) The word "structure" shall include the word "building."
19
20 (E) The word "used" shall include arranged, designed, constructed, altered,
21 converted, rented, leased or intended to be used.
22
23 (F) The word "occupied" includes arranged, designed, built, altered, converted,
24 rented or leased, or intended to be occupied.
25
26 (G) The word "land" shall include water surface.
27
28 (H) The word "person" includes individuals, firms, corporations, associations,
29 trusts, joint venture, partnership, estate, syndicate, fiduciary, government
30 agency, two (2) or more persons having a joint or common interest, any
31 combination of the preceding, and other similar entities.
32
33 (I) The word "Town" shall mean the Town of Southwest Ranches, Florida.
34
35 (J) The word "Council" shall mean the Town Council of the Town of Southwest
36 Ranches, Florida.
37
38 (K) The word "Councilmember" shall mean the members of the Town Council
39 of the Town of Southwest Ranches.
40
41 (L) The word "County" shall refer to Broward County, Florida.
42
43 (M) The word "Code" shall refer to Chapter 39, Unified Land Development
44 Code, of the Town of Southwest Ranches Code of Ordinances.
45

1 (N) The word "Plan" shall mean the Town of Southwest Ranches
2 Comprehensive Plan.

3
4 (O) The word "Administrator" shall mean the Town Administrator of the Town of
5 Southwest Ranches, Florida.

6
7 (P) Any reference to the Town Administrator, Town Attorney, Town Engineer,
8 Director of Community Development, or other administrative official of the
9 Town of Southwest Ranches, Florida, shall include their designees.

10
11
12 **Section 010-020. Abbreviations.**

13
14 The following abbreviations are used in the ULDC and are intended to have the
15 following meanings:

16		
17	ac	acre
18	ag	agriculture or agricultural
19	BCLUP	Broward County Land Use Plan
20	BCPC	Broward County Planning Council
21	DPEP	Broward County Department of Planning and
22		Environmental Protection
23	du	dwelling unit
24	F.A.R.	Floor area ratio
25	FLUM	Future Land Use Plan Map of the Comprehensive Plan
26	ft.	foot
27	F.S.	Florida Statutes
28	GFA	Gross floor area
29	LOS	Level of service
30	max.	maximum
31	min.	minimum
32	NVAL	Non-vehicular access line
33	NVGD	National Vertical Geodetic Datum
34	requ.	require or required
35	sq. ft. or sf.	square feet
36	SFR	Single-family residence
37	ULDC	Unified Land Development Code
38	VPD	Vehicles per day
39	VUA	Vehicular use area
40		

1
2 **Section 010-030. Terms defined.**
3

4 Any term not defined in this Section shall have the meaning given by the most
5 recent edition of Webster's Unabridged Dictionary.
6

7 *Accessory building.* A separate building, subordinate in area and height to a
8 principal building or use, as applicable, devoted to an accessory use on the
9 same plot with the principal building or principal use.
10

11 *Accessory use.* A use naturally and customarily incidental, subordinate, and
12 subservient, to the principal use of the premises, and located on the same
13 plot as the principal use. The area of an accessory use shall be
14 subordinate to that of the principal use.
15

16 *Acre, net.* Forty-three thousand five hundred-sixty (43,560) square feet of
17 contiguous, private property under the same ownership.
18

19 *Acre, gross.* Forty-three thousand five hundred-sixty (43,560) square feet of
20 land which includes contiguous, private property under the same
21 ownership, extended to the centerline of any abutting right-of-way or
22 ingress/egress easement, provided that if the right-of-way or easement was
23 not obtained equally from properties on both sides of the thoroughfare, the
24 gross acreage shall only include that portion of the right-of-way or
25 easement obtained from the property counting the thoroughfare towards
26 gross density.
27

28 *Adult day care center.* An establishment which provides day care and activities
29 for adolescents or adults who require supervision due to physical or mental
30 limitations.
31

32 *Agricultural uses.* Farms; the cultivation of crops, groves, thoroughbred and
33 pleasure horse ranches, including horse boarding, private game preserves,
34 fish breeding areas, tree and plant nurseries, cattle ranches and similar
35 activities.
36

37 *Alcoholic beverage.* For the purpose of this Code, the term "alcoholic beverage"
38 shall mean and include any beverage containing more than one percent
39 (1%) of alcohol by weight.
40

41 *Alcoholic beverage establishment.* Any bar, lounge, saloon, bottle club,
42 nightclub, private club, package store or any place or premises, other than
43 a private residence or a fast-food or full service restaurant as defined
44 herein, where alcoholic beverages are sold or dispensed for consumption
45 by customers, patrons or members on or off of the premises, and not in
46 conjunction with a meal. Establishments that provide only snack foods or

prepackaged foods incidental to consumption of alcoholic beverages on the premises shall be considered alcoholic beverage establishments.

Alley. A thoroughfare or way, not more than thirty (30) feet wide, paved or unpaved, and which normally provides a secondary means of access to abutting property.

Alter. "Alter", "altered" or "alteration" shall mean any change in size, occupancy or use of a building or structure; any repair or modification to a building or structure, or use; the erection or placement of any sign; the excavation or filling of any water area; the addition or removal of fill and movement of earth; the addition, removal or modification of any paving or landscaping.

Americans with Disabilities Act of 1990. A Civil Rights Act signed into law July 26, 1990, as Public Law 101-336, 104 Stat. 327, as may be amended from time to time.

Antenna. See Article 40, "Telecommunications, Towers and Antennas."

Archaeological site. A location that has yielded or may be likely to yield information important in history or prehistory, and is a site that contains physical evidence of past human activity. An archaeological site may be identified using on-site investigations or site predictive models. Archaeological sites are evidenced by the presence of artifacts on or below the ground surface indicating the past use of a location by people. A designated archaeological site is one that meets this criterion, has been designated by the Broward County Commission and appears on the Broward County Land Use Plan Map Series or has been designated by the Town.

Art gallery. A room or building where paintings, pieces of sculpture and other works of art or aesthetic objects are exhibited, or exhibited and sold.

Arterial. A street having that meaning given in Section 334.03 Florida Statutes, as may be amended from time to time. Arterials are identified in the Transportation Element of the Comprehensive Plan.

Auditorium. A building or complex of buildings that has facilities for cultural, entertainment, recreational, athletic and convention activities or performances.

Automobile repair, major. General repair, rebuilding or reconditioning of engines, motor vehicles or trailers; collision service, including body, frame or fender straightening or repair; overall painting or paint shop; vehicle steam cleaning.

1 *Automobile repair, minor.* Incidental body or fender work, other minor repairs,
2 painting and upholstering, replacement of parts and motor service to
3 passenger cars and trucks not exceeding one and one-half (1.5) tons
4 capacity, but not including any operations listed under "Automobile Repair,
5 Major" or any other operation similar thereto.

6
7 *Back-out parking.* A parking lot design which forces a vehicle to use the public or
8 private right-of-way to maneuver in and out of a parking stall.

9
10 *Bar, lounge or saloon.* Any place devoted primarily to the retailing and
11 consumption on the premises of malt, vinous or other alcoholic beverages
12 not served as an accessory to meals prepared on the premises, and any
13 place where one or more signs are displayed indicating that alcoholic
14 beverages are obtainable for consumption on the premises.

15
16 *Bed and breakfast.* An owner-occupied and operated detached dwelling unit,
17 other than a hotel, rooming house or boarding house, where sleeping
18 accommodations without individual food preparation facilities, are provided
19 for transient guests, with at least one (1) meal per day prepared within a
20 centralized kitchen for guests included for a nightly fee, and which does not
21 utilize outside services or employees, except for those customarily found in
22 single-family residential neighborhoods such as housekeeping and
23 landscape maintenance. Bed and breakfasts accept reservations directly
24 on the premises and advertise themselves as bed and breakfasts.

25
26 *Bicycle facilities.* A general term denoting improvements and provisions made by
27 public agencies to accommodate or encourage bicycling, including
28 parking facilities, maps, bikeways and shared roadways not specifically
29 designated for bicycle use.

30
31 *Bicycle lane (bike lane).* A portion of a roadway which has been designated by
32 striping, signing, and pavement markings for the preferential or exclusive
33 use of bicyclists.

34
35 *Bicycle path (bike path).* A bikeway physically separated from motorized
36 vehicular traffic by an open space or barrier and either within the street or
37 within an independent right-of-way or easement.

38
39 *Bicycle way.* Any road, path or way which in some manner is specifically
40 designated as being open to bicycle travel, regardless of whether such
41 facilities are designated for the exclusive use of bicycles or are to be
42 shared with other transportation modes.

43
44 *Boarding or rooming house.* An establishment providing transient lodging that is
45 not a hotel or bed and breakfast dwelling.

1 *Bottle club.* Any business or private club which does not hold a State of Florida
2 license for the sale of alcoholic beverages, but which permits its members,
3 patrons or customers to bring or store their own bottles containing alcoholic
4 beverages for consumption on the premises.

5
6 *Broward County Trafficways Plan.* The plan promulgated by the Broward County
7 Planning Council pursuant to Chapter 59-1154, Laws of Florida, as may be
8 amended from time to time, and the Broward County Charter, which depicts
9 a network of trafficways for Broward County.

10
11 *Building.* Any structure having a solid roof and having walls on all sides, and
12 used or built for the shelter or enclosure of persons, animals, chattels, or
13 property of any kind.

14
15 *Building permit.* For purposes of concurrency/adequacy determination and
16 required parking calculations, "Building Permit" means a permit required by
17 the Florida Building Code, as may be amended from time to time, for the
18 erection or construction of a new building, addition to an existing building,
19 or change in occupancy that may require additional parking pursuant to
20 Article 80, "Parking Requirements," or may impact services or facilities
21 subject to concurrency requirements, including one or more additional
22 dwelling units, or additional nonresidential building area.

23
24 In any other context, the term refers to any permit required under the
25 Florida Building Code, as may be amended from time to time.

26
27 *Business zoned property.* Any land or water area whose zoning district
28 classification is one of the commercial zoning districts established in the
29 ULDC.

30
31 *Carports.* A private garage not completely enclosed by walls and doors.

32
33 *Cemetery.* A place dedicated to and used or intended to be used for the
34 permanent interment of human remains. A cemetery may contain land or
35 earth interment; mausoleum, vault, or crypt interment; a columbarium,
36 ossuary, scattering garden, or other structure or place used or intended to
37 be used for the interment or disposition of cremated human remains; or any
38 combination of one or more of such structures or places. This definition
39 shall not be construed to permit a crematory, nor shall it be construed to
40 permit a funeral home.

41
42 *Certificate of use.* A document issued by the Town officially authorizing
43 establishment of uses consistent with the terms of the ULDC. Note: a
44 certificate of use does not negate the requirement of obtaining an
45 occupational license from Broward County.

1 *Change of occupancy.* The term "change of occupancy" shall mean a
2 discontinuance of an existing use and the substitution therefore of a use of
3 a different kind or class. Change of occupancy is not intended to include a
4 change of tenants or proprietors unless accompanied by a change in the
5 type of use.

6
7 *Child care center.* A place for the day care and/or instruction of children not
8 remaining overnight, includes preschools.

9
10 *Civic Association.* A formal organization of residents within a specified
11 geographic area of the Town, the purpose of which is to address issues
12 common to the group of residents, that has formally notified the Town Clerk
13 of its existence, that meets regularly, and that has elected officers.

14
15 *Civic Center.* A building or complex of buildings that house governmental offices
16 and services, and/or which may include cultural, recreational, athletic,
17 convention and entertainment facilities owned or operated by a
18 governmental agency.

19
20 *Club, private.* Buildings and facilities or premises used or operated by
21 associations and organizations of a fraternal or social character, not
22 operated or maintained for profit. The term "private club" shall not include
23 casinos, night clubs or other institutions operated as a business. Such
24 organizations and associations shall be incorporated under the laws of
25 Florida as nonprofit organizations.

26
27 *Code compliance officer or code inspector.* The officers and/or agents of the
28 Town officially authorized by the Town to enforce the provisions of this
29 Code.

30
31 *Collector.* A street having that meaning given in Section 334.03, Florida
32 Statutes, as may be amended from time to time.

33
34 *Commercial equestrian operations.* Commercial riding stables and riding
35 instruction, livery stables, horse training, breeding or boarding facilities.

36
37 *Commercially zoned land.* Any land or water area whose zoning district
38 classification is Community Business, or Mixed Use Services .

39
40 *Common party wall.* A solid wall, without any openings, which separates
41 contiguous dwelling units or nonresidential tenant spaces.

42
43 *Community residential facility.* A residential building or buildings designed or
44 altered to provide housing, food service, and personal services to persons
45 unrelated to the owner or manager of the facility, including such supervision
46 and care by supportive staff as may be necessary to meet the physical,

emotional, and social needs of the residents, and which is licensed by the State of Florida or other government agency for such purposes.

Completely enclosed building. A building separated on all sides from adjacent open space, or from other buildings or other structures, by a permanent roof and by exterior walls or party walls pierced only by windows and normal entrance or exit doors.

Contiguous. Directly adjoining; immediately adjacent; contiguous plots have at least one (1) side of each plot which touches one (1) side of the other plot or plots with no separator between the plots including, but not limited to, a public right-of-way, private street, or canal.

Density. The maximum number of dwelling units permitted on one (1) net or gross acre of property, as specified herein as a function of minimum plot size. For example, a maximum allowable density of one-half (0.5) dwelling unit per net acre is equivalent to a minimum plot size requirement of two (2.0) net acres.

Developed. Land or water upon which a permitted building, structure, other improvement or use has been constructed or established, and including land that has undergone development as defined herein, but excluding solely underground utilities, pipes, wires, cable, culverts, conduits or other similar underground improvements and excluding structures bearing overhead power transmission lines that carry at least five hundred kilovolts (500 KV) of electrical power, provided such lands contain no other buildings or structures. This term shall not include containers having a maximum capacity of forty (40) gallons or less.

Developer. Any person undertaking any development as defined in this Section.

Development. The meaning given in Section 380.04, Florida Statutes, as may be amended from time to time.

Development Order. An order authorizing the granting, denying, or granting with conditions of an application for a development permit.

Development Permit. Any building permit, engineering permit, zoning permit, subdivision or plat approval, modification to a condition of plat approval, including an amendment or revision to a non-vehicular access line, site plan approval, amendment to the notation on the face of a plat, application for placement of a notation on the face of a plat, rezoning, variance or other official action of the Town having the effect of permitting the development of land, but does not include any variance or other official action necessary solely for the purpose of issuing a permit, other

1 than a building permit, pursuant to the Florida Building Code, as may
2 amended from time to time.

3
4 *Display.* An arrangement of goods reflecting the occupation or business, wares
5 or other objects used or sold on the premises, for the purpose of bringing
6 the subject thereof to the attention of others without the use of a sign.

7
8 *District.* A portion of the territory of the Town of Southwest Ranches within
9 which certain uniform regulations and requirements or various
10 combinations thereof apply under the provisions of this Code. Short for
11 "zoning district."

12
13 *Drive-through facility.* Any place or premises used for the sale or dispensing of
14 products to patrons who enter upon the premises in automobiles and
15 purchase products through a window or door without leaving their vehicle.

16
17 *Driveway.* An area that connects the parking aisles of a parking lot, the parking
18 area of a dwelling unit, a loading area, or otherwise provides vehicular
19 access from private property, to the public right-of-way, to a private
20 street, or to another driveway.

21
22 *Driveway entrance.* Real portion of a driveway that immediately abuts the public
23 right-of-way or a private street.

24
25 *Driveway spacing.* The length of the straight tangent between the point of
26 curvature of the arc, or chord, of a driveway and the point of tangency
27 of the arc, or chord of another driveway, unless otherwise noted.

28
29 *Dumpster.* A container constructed of impervious material and provided with a
30 cover or covers of impervious material that is intended and designed to be
31 used for the retention or storage of garbage, refuse or recyclable materials.

32
33 *Dwelling.* Any building, or part thereof, occupied in whole or in part, as the
34 residence or living quarters of one or more persons, permanently or
35 temporarily, continuously or transiently.

36
37 *Dwelling, detached.* A single dwelling unit physically detached from other
38 buildings, dwelling units or structures.

39
40 *Dwelling, single-family.* A freestanding dwelling unit, sharing no walls with
41 another dwelling unit, having all habitable areas within the building
42 accessible from the interior of the building. Single-family dwellings shall not
43 include trailer mobile homes, rooming or boarding houses, or dormitories,
44 fraternities and sororities.

1 *Dwelling unit.* A room or group of rooms not less than four hundred (400) square
2 feet in total floor area, with direct access from the outside of the building or
3 through a common hall, which includes independent and complete kitchen
4 and sanitary facilities designed to provide complete, long-term living
5 accommodations exclusively for one (1) family, and which have no access
6 to another dwelling unit or are designed in such a manner that access to
7 another dwelling unit may be eliminated by closing or sealing interior
8 doorways or openings.

9
10 *Encounter studio.* All establishments offering nude encounter sessions between
11 persons, nude dance encounter sessions, or any establishment, other than
12 an adult nightclub, where private nude performances are offered.

13
14 *Environment.* Includes, but is not limited to, ambient air, surface water, land
15 surface, subsurface soil strata or groundwater.

16
17 *Environmental regulation.* Any federal, state, county or Town law relating to
18 pollution or protection of the environment. It includes, but is not limited to,
19 any federal, state, county or Town statute, or regulation that pertains, in
20 whole or part, to any existing or potential emission, discharge or release
21 of any pollutant, contaminant, chemical, toxic waste, hazardous waste or
22 solid waste into the environment. The term "environmental regulation"
23 also includes, without limitation any such statute or regulation relating to
24 the manufacture, processing, distribution, use, treatment, storage,
25 disposal, transport or handling of any pollutant, contaminant, chemical,
26 toxic waste, hazardous waste or solid waste.

27
28 *Environmentally sensitive lands.* Those lands defined as environmentally
29 sensitive in the 1989 Broward County Land Use Plan, as may be amended
30 from time to time.

31
32 *Erected.* Built, constructed, reconstructed or moved on or upon any property.

33
34 *Escort or dating service.* An establishment where customers, patrons or
35 members are provided with an escort or companion on a short-term basis,
36 or which arranges for social meetings between two (2) or more people.

37
38 *Essential services.* The erection, construction, alteration or maintenance by
39 public utilities or municipal or other governmental agencies, of underground
40 or overhead sanitary sewer, communication, gas, electrical, steam or water
41 transmission or distribution systems, and drainage facilities, including
42 poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm
43 boxes, police call boxes, traffic signals, hydrants, transformer substations
44 and other similar equipment and accessories in connection therewith,
45 reasonably necessary for the furnishing of adequate service by such public

1 utilities or municipal or other governmental agencies or for the public health
2 or safety or general welfare.

3
4 *Family.* Any number of persons living together as a single housekeeping unit,
5 whether legally related to each other or not. The persons constituting a
6 family may also include gratuitous guests and domestic servants, but shall
7 not include paying guests.

8
9 *Family day care home.* The meaning given in Florida Statutes, Section 402.302,
10 and regulated by Section 402.313, both as may be amended from time to
11 time.

12
13 *Farm.* The land, buildings, structures, support facilities, machinery, and other
14 appurtenances used in the production of farm and agriculture products
15 when such land is classified agricultural pursuant to Section 193.461, F.S.,
16 as may be amended from time to time, or has been determined to be a
17 farm pursuant to administrative determination by the Town Administrator, or
18 a final determination of the Town Council in accordance with Article 155,
19 "Administrative Farm Claim Determinations."

20
21 *Farm building or structure.* Any building or structure located on a plot classified
22 as a farm, which is used to house or store farm products or materials and
23 equipment necessary to farm operations. A farm structure shall also
24 include fences, walls and hedges along the plot line of a farm.

25
26 *Farm operation.* All conditions or activities by the owner, lessee, agent,
27 independent contractor, and supplier that occur on a farm in connection
28 with the production or marketing of a farm's products.

29
30 *Farm product.* Any plant, as defined in Section 581.011, F.S., as may be
31 amended from time to time, any animal, except household pets, useful to
32 humans including any product derived therefrom, the cultivation of crops,
33 groves, thoroughbred and pleasure horse ranches, including horse
34 boarding, private game preserves, fish breeding areas, tree and plant
35 nurseries, cattle ranches, and other similar activities involving livestock or
36 poultry.

37
38 *Fire protection facilities.* A building or complex of buildings that house the offices
39 and services of the Town of Southwest Ranches Fire Department or any
40 other fire protection agency serving the Town.

41
42 *Floor area, gross floor area.* Where a specified minimum floor area is required
43 in the ULDC for a dwelling or other building, "floor area" shall mean the
44 total gross horizontal area of all of the floors within the external perimeter of
45 the exterior enclosing walls, including Florida rooms, sun rooms and utility
46 rooms which are fully enclosed and directly accessible from the interior of

1 the dwelling, but excluding other utility rooms, unenclosed porches,
2 terraces or breezeways, and carports or garages.

3
4 For purposes of floor area ratio and parking calculations, "floor area" or
5 "gross floor area" means the total gross horizontal area of all of the floors
6 within the external perimeter of the exterior enclosing walls.

7
8 *Floor area ratio (F.A.R.).* The total gross floor area of all buildings or structures
9 on a plot divided by the net plot area.

10
11 *Florida site file.* A comprehensive listing of all recorded cultural resources,
12 including those listed in the National Register, maintained by the
13 Department of State, Division of Historical Resources.

14
15 *Food service.* Preparation and/or provision of food for consumption intended for
16 individual portion service on or off the premises regardless of whether there
17 is a charge for the food.

18
19 *Food service establishment.* Any place where food service is provided, and
20 includes the site at which food is prepared and the site at which individual
21 portions are provided, regardless of whether consumption is on or off the
22 premises. The term does not include private homes where food is
23 prepared or served for individual family consumption.

24
25 *Friction or lap dancing.* The use by an employee, whether clothed or partially or
26 totally nude, of a part of his or her body to touch, massage, rub, stroke,
27 caress or fondle the genital or pubic area of a person while at the
28 establishment, or the touching of the genital or pubic or genital area of an
29 employee by a person while at the establishment. It shall be considered a
30 "friction or lap dance" regardless of whether the touch or touching occurs
31 while the employee is displaying or exposing a specified anatomical area. It
32 shall also be considered a "friction or lap dance" regardless of whether the
33 touch or touching is direct or through a medium.

34
35 *Frontage of a building.* Shall mean the wall(s) of a building approximately
36 parallel and nearest to a street(s).

37
38 *Frontage of property.* Shall mean any plot line which separates a plot from a
39 street, or the line separating an ingress/egress easement within a plot from
40 the remainder of the plot.

41
42 *Garage, private.* An accessory building or portion of a single-family dwelling
43 designed or used for inside parking of self-propelled private passenger
44 vehicles by the occupants of the dwelling.

1 *Gasoline station.* Any building, structure, or land used for retail sale and
2 dispensing of vehicle fuel(s).

3
4 *Governmental administration.* A building or complex of buildings that house the
5 administrative offices of the Town of Southwest Ranches, any department,
6 commission, district, authority, board, independent agency or
7 instrumentality of the United States, the State of Florida, county, or any
8 other governmental unit.

9
10 *Grade, established or finished.* The elevation of land above mean sea level in
11 its final, graded condition.

12
13 *Guest house.* A structure or any part of a structure ancillary to a detached
14 single-family dwelling unit, excluding mobile homes, and located on the
15 same plot as the principle dwelling unit, that is occupied in whole or in part
16 as the temporary residence or living quarter of one (1) or more persons.
17 This definition shall include any such living quarter that is connected to the
18 principal dwelling unit by an open or enclosed breezeway or other structure
19 that serves to merely connect the guest quarter to the principal dwelling, as
20 contrasted with a customary home addition that is physically and
21 functionally integral to the principal dwelling. If a temporary or permanent
22 residence or living quarter does not meet the definition of "guest house," it
23 shall be deemed to be a dwelling unit for purposes of density calculation.

24
25 *Habitable room area.* The total floor area of a dwelling unit excluding closets,
26 bathrooms, garages, utility rooms, storage areas, and rooms not accessible
27 from the interior of the dwelling unit.

28
29 *Hazardous substances.* Any substance or material which, by reason of its toxic,
30 caustic, corrosive, abrasive, explosive, pyric, or otherwise injurious
31 properties, may be detrimental or deleterious to the health or safety of any
32 person handling or using or otherwise dealing with such material or
33 substances.

34
35 *Health and fitness club, spa.* An establishment which provides accommodations
36 and equipment to its membership for purposes of physical fitness and/or
37 relaxation.

38
39 *Height.* For all buildings and structures, except as provided below, the vertical
40 distance from the highest point of finished grade at the location of the
41 building pad to the highest point of the roof surface for a flat roof, to the
42 deck line for a mansard roof, to the mean height level between eaves and
43 ridge for gable, hip and gambrel roofs, and to the highest point of any non-
44 roofed structure, provided that any portion of the finished grade exceeding
45 ten (10) feet N.V.G.D. shall be included in the height calculation. Sign
46 height is defined within Article 70, "Signs." For structures other than

1 buildings and signs, height shall be the vertical distance from the finished
2 grade below the structure to the highest point of the structure, provided that
3 the height calculation of structures placed on berms shall include the height
4 of the berm.

5
6 *Holiday wayside stand.* A temporary outside sales location for the retail sale of
7 holiday items associated with the particular holiday for which the location is
8 established, and not associated with or part of any existing use on the plot
9 upon which it is located.

10
11 *Home occupation.* Conduct of a business in a home office.

12
13 *Home office.* An office designed for and operated as a business location within
14 the confines of a dwelling unit, and carried on only by persons residing in
15 the dwelling unit involving only written correspondence, phones,
16 computers, or other common office equipment, and which is clearly
17 incidental and secondary to the use of the dwelling for residential purposes.
18 Home offices shall preclude any business operation that requires or permits
19 customers, patrons, or other employees to visit the dwelling or is conducted
20 within any structure other than the primary residence.

21
22 *Homeowners association.* An incorporated, nonprofit organization responsible
23 for maintaining commonly owned property, established under recorded
24 agreements through which each lot owner is automatically a member; each
25 occupied dwelling unit is automatically subject to a charge for a
26 proportionate share of the expenses for the organization's activities and
27 maintenance costs; and, each owner or tenant has the right to use the
28 common property.

29
30 *Hospital.* An institution providing primary health services, medical and/or surgical
31 care to persons, primarily in-patients, suffering from illness, disease, injury,
32 deformity and other physical or mental conditions, and including, as an
33 integral part of the institution, related facilities such as laboratories, out-
34 patient facilities or training facilities.

35
36 *Hotel.* A public lodging establishment containing individual rooms or suites of
37 rooms accessed primarily through an inside lobby, each having a private
38 bathroom, for the purpose of providing overnight, transient lodging
39 accommodations to the general public for compensation with or without
40 meals, which has common, on-site facilities for reservations, cleaning
41 services and on-site management, and may provide additional, accessory
42 services such as restaurants, meeting rooms, health and fitness, spa,
43 entertainment and/or recreational facilities.

44
45 *Household pet.* An animal kept for pleasure, rather than for utility, by a family,
46 within the family's dwelling unit or on the same plot as the family's dwelling

unit. The term shall include no more than one (1) non-breeding Vietnamese pot-bellied pig on a plot of land which is at least thirty-five thousand (35,000) square feet, and excludes livestock, poultry and farm products.

Impervious area. Any area with a surface that is covered or hardened so as to prevent or impede the percolation of water into the soil mantle, including pools and areas covered with brick pavers..

Industrially zoned land. Any land or water area whose zoning district classification is M, Manufacturing District.

Inflammable liquid. Any liquid, which under operating conditions gives off vapors which, when mixed with air, is combustible and explosive.

Junkyard. Place, structure or plot where junk, waste, discarded salvage, or similar materials such as old metals, wood, slush, lumber, glass, paper, rags, cloth, bagging, cordage, barrels, containers, etc., are bought, sold or exchanged, baled, packed, disassembled or handled, including auto wrecking yards, used lumber yards, housewrecking yards and yards or places for storage or handling of salvaged house wrecking and structural steel materials. This definition shall not include pawnshops and establishments for the sale, purchase or storage of usable secondhand cars, salvaged machinery, used furniture, radios, stoves, refrigerators or similar household good and appliances, nor shall it apply to the processing of used, discarded or salvaged materials as part of manufacturing operations.

Kennel. Any place or premises where dogs, cats, or other household pets are housed temporarily with or without compensation for same.

Kitchen, complete. A room or area within a building designed or used primarily for providing food storage and food preparation that contains, at least a sink with piped water, refrigerator and conventional gas or electric range or cookstove facilities.

Land, platted. Any land recorded by plat in the Broward County Public Records, and can be referenced by a plat name, plat book and page.

Land, unplatted. Any land or part thereof not recorded by plat in the Broward County Public Records and cannot be referenced by plat name, plat book and page.

Library. A building or room in which literary, musical, artistic or reference materials, such as books, manuscripts, recordings, films, paintings, etc., are kept for public use.

1 *Livestock.* Grazing animals, such as cattle, horses, sheep, goats, other hoofed
2 animals, ruminants, ostriches, emus, and rheas.

3
4 *Lot.* A parcel or tract of land designated and identified as a single unit of area in
5 a subdivision plat officially recorded in the Broward County Public Records.

6
7 *Lot line.* The property boundary lines of a lot.

8
9 *Massage therapy, massage establishment.* The administering of massage and
10 related modalities within the scope of practice permitted under Chapter 480
11 F.S., as may be amended from time to time, by therapists licensed under
12 Chapter 480 F.S., working at an establishment also licensed under said
13 chapter.

14
15 *Medical clinic.* A public or private facility, which staff includes state-licensed
16 physicians and nurses, which provides health-related services or treatment
17 designed to prevent medical problems, maintain a healthful condition, or
18 restore an individual to a condition of health.

19
20 *Mobile home.* "Mobile home" has the same meaning given in Section 320.01,
21 Florida Statutes, as may be amended from time to time.

22
23 *Mobile collection center.* A trailer or mechanical depository used for the
24 collection and temporary storage of aluminum cans or other aluminum
25 products, paper or clothing material.

26
27 *Mobile food unit.* Any vehicle-mounted food service establishment that is self-
28 propelled or otherwise movable from place to place, meeting all applicable
29 requirements of Florida Administrative Code, Chapter 10D-13.32, as may
30 be amended from time to time, and the Town of Southwest Ranches Code
31 of Ordinances.

32
33 *Modeling and lingerie studio.* An establishment that offers persons the
34 opportunity to view or photograph models who are clothed in lingerie, or
35 which offers encounter sessions with models who are clothed in lingerie.

36
37 *Museum.* A building or room devoted to the procurement, care, study or display
38 of antiques, objects of historical, scientific or cultural interests, or other
39 objects of lasting interest or value.

40
41 *Neighborhood.*
42 An adjacent group of buildings and uses whose occupants and/or owners
43 are part of an established homeowners' or business owners' association.

44
45 *Nightclub.* A restaurant, dining room, bar or other similar establishment where
46 music is played at or above normal conversation sound level such that the

1 music is primary entertainment and not merely background music for
2 ambiance, or where floor shows or other forms of lawful entertainment
3 are provided for guests.
4

5 *Nonconforming building.* A building or structure, or portion thereof, other than a
6 sign, lawfully existing at the effective date of these regulations, or any
7 amendment hereto, that does not comply with the provisions of these
8 regulations, other than use regulations.
9

10 *Nonconforming plot.* A plot of record lawfully existing at the effective date of
11 these regulations, or any amendment hereto, that does not comply with
12 the provisions of these regulations, other than use regulations.
13

14 *Nonconforming use.* The use of a structure or premises, lawfully existing at the
15 effective date of these regulations, or any amendment hereto, for any
16 purpose not permitted for a new use in the zoning district in which it is
17 located.
18

19 *Nonprofit neighborhood social and recreational facility.* A building or plot of land
20 devoted entirely to providing social activities and services only for the
21 residents, and their guests, of the subdivision or neighborhood where the
22 building or plot is located.
23

24 *Nonresidential plot.* A plot of land other than a residential plot.
25

26 *Nonresidentially zoned land.* Land or water area with any zoning other than an
27 agricultural or rural zoning district.
28

29 *Nonvehicular access line (NVAL)(or "nonvehicular access line").* A line illustrated
30 on a plat which prohibits installation of driveways for regular use by motor
31 vehicles.
32

33 *Not-for-profit corporation.* A corporation of which no part of the corporate income
34 is distributable to its members, directors or officers as defined by chapter
35 617, Florida Statutes, as may be amended from time to time.
36

37 *Off-street loading area.* An off-street loading area is an area provided off of any
38 public or private right-of-way for the temporary parking of trucks being
39 loaded or unloaded.
40

41 *Opaque.* Any nontranslucent, nontransparent, nonliving material which provides
42 a visual barrier from one side to the other.
43

44 *Outdoor event.* A carnival, circus, concert, festival, commercial promotion, show,
45 sale and other similar types of events, as well as any outdoor activity that
46 is not a permitted principal or accessory outdoor use of the premises shall

1 be classified as an outdoor event. Outdoor events shall also include
2 permitted accessory uses of a scale, intensity or frequency that exceeds
3 the customary and incidental scale, intensity or frequency of the given
4 accessory use.

5
6 *Package store.* An establishment where the sale of alcoholic beverages in
7 containers for consumption off the premises is the predominate purpose of
8 the establishment.

9
10 *Parking.* The temporary, transient storage of vehicles or equipment as an
11 accessory use to a dwelling or other use for a period generally not
12 exceeding twenty-four (24) hours, while their operators are engaged in
13 other activities. This definition excludes the storage of vehicles or
14 equipment.

15
16 *Parking facility, off-street.* An area designated for the parking of private
17 passenger vehicles not on a street or other thoroughfare. It shall not
18 include storage of new or used cars for sale, service, rental, or any other
19 purpose than specified above.

20
21 *Parking facility, full circulation.* A parking lot design which permits a car entering
22 a parking lot to circulate in front of all parking stalls and restart the same
23 movement again without using a street or alley and without backing up
24 and then turning around.

25
26 *Parking facility, partial circulation.* Parking lot design which permits a car
27 entering a parking lot to circulate in front of all parking stalls without using
28 any public or private street right-of-way, and without the need to back up
29 and turn around, but which does not allow complete recirculation through
30 the parking facility without using a street or alley and without the need to
31 back up and turn around.

32
33 *Parking aisle.* The area immediately adjacent to the car parking stalls which
34 permits maneuvering of the cars entering and leaving a parking stall, and
35 which connects the parking stalls to the driveway.

36
37 *Parking stall.* The space that is necessary to park a car, excluding aisles and
38 driveways, and conforming to the minimum dimensions and other
39 requirements of this Code. Synonymous with "parking space".

40
41 *Pervious area.* Area maintained in its natural condition, or covered by a material
42 that permits infiltration or percolation of water directly into the soil mantle.

43
44 *Place of Worship.* A building, or part thereof, designed and arranged for religious
45 services, on land held in fee simple ownership or on a long-term lease, a

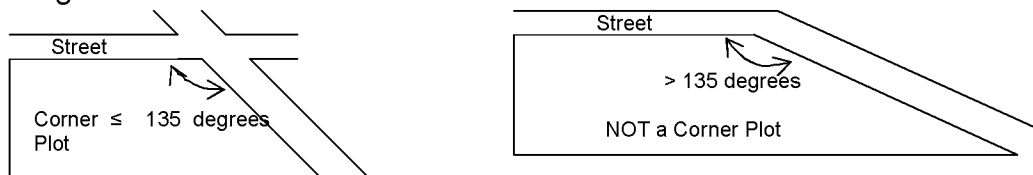
1 minimum of five (5) years duration, by a chartered religious organization,
2 which utilizes the building for regular, continuing religious services.
3

4 *Plat.* A map or delineated representation of a tract or parcel of land showing the
5 designation of such land as lot(s), block(s), parcel(s), or other portions
6 thereof, however the same may be designated. The verb "to plat", in
7 whatever tense used, means to prepare a plat in accordance with Town of
8 Southwest Ranches and Broward County platting requirements, showing
9 the division or subdivision of land into lots, blocks, parcels, tracts or other
10 portions thereof, however the same may be designated. "Plat" does not
11 refer to a boundary plat unless the term "boundary plat" is used
12 specifically.
13

14 *Platted land.* See, "land, platted."
15

16 *Plot.* Any quantity of land capable of being described with such definiteness that
17 its location and boundaries may be established, which is occupied or to be
18 occupied by a building, structure, or use, and their accessory buildings and
19 accessory uses, together with such yards and open spaces as are required
20 by this Code as a unit. A plot may consist of one (1) or more platted lots, or
21 portions of a platted lot and/or unplatted land.
22

23 *Plot, corner.* A corner plot is a plot of which at least two (2) adjacent sides abut
24 for their full length upon a street, provided that such two (2) sides intersect
25 at an interior angle of not more than one hundred thirty-five (135) degrees.
26 Where a plot is on a curve, if tangents through the intersections of the lot
27 lines with the street lines make an interior angle of not more than one
28 hundred thirty-five (135) degrees, such a plot is a corner plot. In the case of
29 a corner plot with a curved street line, the corner shall be considered to be
30 that point on the street line nearest to the point of intersection of the
31 tangents herein described.



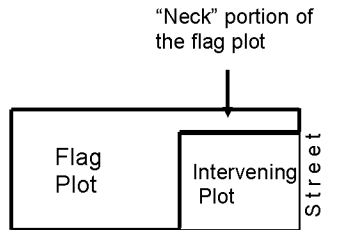
32
33
34
35
36
37
38 *Plot coverage.* The percentage of the plot area covered or occupied by buildings
39 or roofed structures or portions thereof. Swimming pools, decks, barbecue
40 pits, terraces and other appurtenances not roofed-over shall not be
41 included in computing plot coverage.
42

43 *Plot depth.* The mean horizontal distance between the front and rear plot lines.
44

45 *Plot, flag.* A plot that is located at least partially behind another (intervening) plot
46 and does not have the majority of its required plot width fronting a street.

Flag plots access streets by narrow extensions of the plot which connect to the street. (See Figure 10-1, below.)

Figure 10-1. Flag lot illustration.



Plot, interior. A plot other than a corner plot.

Plot line. The boundary lines of a plot. Has the same meaning as, "property line."

Plot line, front. The plot line coinciding with, or adjacent and parallel, to the street line. For corner plots and through plots, the front plot line shall be determined using the methodology set forth in the definition of "street line, front" as it applies to corner and through plots.

Plot line, rear. The plot line opposite and most distant from the front plot line. In the case of a triangular or gore-shaped lot wherein the two (2) side plot lines converge in the rear, the rear plot line shall be considered to be a line ten (10) feet in length within the plot parallel to and at the maximum distance from the front plot line.

Plot line, residential. Any plot line of a residential plot.

Plot line, side. Any plot line other than a front or rear plot line. A side plot line separating a plot from a street is called a corner side plot line, and is considered a street line. A side plot line separating a plot from another plot or plots is called an interior or side plot line.

Plot, residential. A plot with an agricultural or rural zoning district classification.

Plot, through. A plot abutting two (2) streets, not at their intersection, if any, which may be an interior plot or also a corner plot.

Plot width, required. The minimum required horizontal distance between the side plot lines at the full depth of the required front yard.

Police protection facilities. A building, portion thereof, complex of buildings or premises that houses the offices, services, fleet and/or fleet maintenance facilities of any police agency serving the Town of Southwest Ranches.

1
2 *Porch.* A roofed-over space attached to the outside of an exterior wall of a
3 building, which has no enclosure other than the exterior walls of such
4 building. Open mesh screening shall not be considered an enclosure.
5

6 *Potable water.* Water which is satisfactory for drinking, culinary and domestic
7 purposes and which meets the quality standards of the Florida
8 Department of Environmental Regulation, Chapter 17-22, Florida
9 Administrative Code, as may be amended from time to time.
10

11 *Poultry.* Any chickens, turkeys, ducks, geese, peafowl or guinea fowl.
12

13 *Principal building.* A building occupied by, and devoted to, a permitted principal
14 use.
15

16 *Principal use.* The primary use of a parcel of land as distinguished from
17 secondary or accessory uses. There may be more than one (1) principal
18 use on a parcel of land unless prohibited within a given zoning district.
19

20 *Private property.* All lands and water areas owned by other than the Town,
21 county, state or federal government or any of its subdivisions.
22

23 *Property owner.* The person or entity holding title to real property as indicated in
24 the current tax roll of Broward County, unless the Town has received by
25 certified mail an official document establishing that that a person or entity
26 other than the person or entity shown on the tax roll is the actual owner.
27

28 *Public lodging establishment.* Any group of rooms or dwelling units within a
29 single building or on a single plot of record held in single ownership, which
30 are rented to transient guests more than three (3) times in a calendar year,
31 which are advertised to the public as a place regularly rented to transient
32 guests, and which are required to maintain a guest register and post room
33 rates in each room or dwelling unit rented and be inspected and licensed
34 by the Florida Division of Hotels and Restaurants of the Department of
35 Business and Professional Regulation in accordance with Chapter 509,
36 Florida Statutes, as may be amended from time to time.
37

38 *Public property.* All streets, canals, waterways, other rights-of-way, lands, and
39 improvements owned by a governmental agency.
40

41 *Quarry.* A place where natural materials or deposits are excavated for use as
42 building materials, road materials, land fill, etc. at a different location. The
43 excavation of materials for use on the premises where the excavation
44 occurs shall not be included in this definition.
45

1 *Rehabilitation center.* A public or private facility that provides specialized
2 services or treatment designed to restore an individual with a specific
3 health condition to a condition of health or useful and constructive activity,
4 excluding drug and alcohol treatment centers and halfway houses.
5

6 *Remodeling, redecorating or refinishing.* Any change, removal, replacement or
7 addition to walls or sides, floors, ceiling and roof surfaces or coverings
8 which do not support any beam, ceiling, floor load, bearing partition,
9 columns, exterior walls, stairways, roof or other structural elements of a
10 building or structure. This definition applies to all structures, including
11 pools, slabs, etc.
12

13 *Reserve strip.* A piece of land or line on one (1) side of a street in the control of
14 the owner of the land on the opposite side of the street which, because it
15 prevents access to the street by development immediately beyond the
16 piece of land or line, is illegal. May also mean any, often narrow, strip of
17 land that, because it also serves no development purpose other than to
18 prevent access to other property under separate ownership, is illegal.
19

20 *Residential plot.* See "plot, residential."
21

22 *Residential zoning district.* Any of the agricultural and rural zoning districts.
23

24 *Residentially zoned land.* Any land or water area within a residential zoning
25 district.
26

27 *Restaurant.* A building or room, where food is prepared and served for pay,
28 which may include consumption on the premises.
29

30 *Restaurant, full service.* A restaurant which functions for the purpose of serving
31 complete meals both ordered from a menu and brought to the customer via
32 table service by a restaurant employee, prepared and cooked in a kitchen
33 within the restaurant for on-premises consumption, but shall include
34 cafeterias. Full service restaurants do not have drive-through windows.
35

36 *Restaurant Fast food.* A restaurant which functions for the purpose of serving
37 either short-order meals or individual food items, but does is not a full
38 service restaurant as defined herein. A fast food restaurant may or may
39 not have drive-thru window.
40

41 *Retail store.* A commercial establishment for the sale of merchandise directly to
42 the ultimate consumer.
43

44 *Right-of-way line.* See "Street line."
45

46 *Right-of-way line, ultimate.* See "Street line, ultimate."

1
2 *Roof line.* The top edge of the roof or the top of the parapet, whichever forms the
3 top line of the building silhouette.
4

5 *Setback.* The minimum distance measured from a property line, or ultimate
6 street line if the plot abuts a street, and any part of any building or structure
7 on the plot, unless a specific improvement is specifically excepted as a
8 permitted encroachment or called out separately with a different setback.
9 Setbacks for flag plots are determined exclusive of the narrow portion
10 connecting to the street (see *yard, front and plot, flag*), and are measured
11 inward from the point at which the plot achieves and maintains the
12 minimum required plot width. All areas in between the setback line and the
13 plot or street line, as applicable, are yards.
14

15 *Setback line.* The line or vertical plane representing the setback distance and
16 yard depth, also described as the edge of any required yard, demarcating
17 the vertical plane that separates a required yard from the 'buildable' portion
18 of the plot where principal structures may be erected.
19

20 *Setback line, required.* The line representing the minimum required
21 setback/yard depth.
22

23 *Setback, required.* The minimum setback required by any ULDC provision. A
24 minimum setback requirement creates a minimum yard requirement, and a
25 minimum yard requirement has the same effect as requiring a minimum
26 setback.
27

28 *Shopping center.* A group of three (3) or more individual tenant spaces in a
29 nonresidential building, each of which shares at least one (1) common wall
30 with another unit.
31

32 *Shopping center outparcel.* A plot containing a commercial building that provides
33 its own required parking, landscaping and pervious areas, which is
34 contiguous on at least one (1) side to a shopping center or other larger
35 commercial development, and which is connected to the larger
36 development through parking or access facilities.
37

38 *Site assessment survey.* A systematic archaeological survey utilizing field
39 methodology based on the types of sites known or expected to be present
40 in the survey area. Field methodology in this type of survey involves
41 subsurface testing at depths and intervals sufficient to leave little doubt
42 that all or nearly all sites in the survey were:
43

44 (A) Identified;

45 (B) Bounded horizontally and vertically;
46

1
2 (C) Presented in the resulting report at a level sufficient to permit (a) an
3 assessment of National Register eligibility, and (b) recommendations
4 of appropriate site treatments; and
5

6 (D) Recorded and submitted to the Florida Site File in an acceptance
7 form (i.e., on standard Florida Site File forms with photographic and
8 map attachments).
9

10 *Storage of vehicles.* The keeping of vehicles or equipment upon a plot for a
11 period exceeding twenty-four (24) hours that does not constitute "parking"
12 as defined herein. Whenever storage of vehicles is permitted within these
13 regulations, parking is also permitted by inference.
14

15 *Street.* A thoroughfare or any other vehicular accessway recorded in the public
16 records of Broward County, Florida, as right-of-way, reservation,
17 ingress/egress easement or similar instrument for the sole purpose of
18 providing access to and from abutting properties. Streets may be publicly
19 dedicated or private.
20

21 *Street lines.* Shall mean the lines that form the boundaries of a public street
22 right-of-way, public or private ingress/egress easement, or other access
23 reservation or conveyance.
24

25 *Street line, front.*

26 (A) For corner lots, the front street line shall be the shorter of the two (2)
27 street lines unless they are each equal or within fifty (50) feet of equal
28 length, in which case the Town Administrator shall designate one (1)
29 such street line as the front street line and designate one rear lot line
30 based upon neighboring building orientation and access
31 considerations. [Note: Sec. 015-060, "Determination of required
32 yards" provides for alternative yard determinations in unique
33 instances.]
34

35 (B) For through lots, both street lines shall be front street lines.
36

37 *Street line, ultimate.* The street line that would result from dedication of right-of-
38 way or granting of an access easement based upon the total public or
39 private right-of-way prescribed for any given street by these regulations,
40 Broward County Trafficways Plan, the Comprehensive Plan, or other
41 official plan. Means the same as "ultimate right-of-way."
42

43 *Structural alteration.* Any change, except for repair or replacement, in supporting
44 members of a building or structure, such as bearing walls, columns, beams
45 or girders.
46

1 *Structure.* Anything constructed, installed, erected or portable, the use of which
2 requires a location in or on the ground, or attached to something having
3 location upon the ground, such as buildings, trailers, fences, billboards,
4 swimming pools, poles, pipelines, transmission lines, tracks and advertising
5 signs.

6
7 *Surface water management system.* The collection of devices, improvements or
8 natural systems whereby surface waters are controlled, impounded, or
9 obstructed. The term includes dams, impoundments, reservoirs and
10 appurtenant works as defined in Subsections 373.403(1-4), Florida
11 Statutes, as may be amended from time to time, as well as all artificial
12 structures including, but not limited to, ditches, canals, conduits, channels,
13 culverts, pipes, and other construction that conveys, impounds, or
14 controls surface water.

15
16 *Tent.* Any structure or enclosure, the roof of which and/or one half or more of the
17 sides, are silk, cotton, canvas, fabric or light material.

18
19 *Trafficway.* Any one (1) of the expressways, principal arterials, minor arterials or
20 collector streets shown on the Broward County Trafficways Plan,
21 promulgated by the Broward County Planning Council pursuant to
22 Chapter 59-1154, Laws of Florida, as may be amended from time to time,
23 and the Broward County Charter.

24
25 *Trafficway corridor.* The land area comprised of a trafficway and its intersections,
26 and that part of any intersecting nontrafficway street and its intersections
27 as follows:

28
29 *Case A:* Any intersecting nontrafficway collector street which is within
30 three hundred (300) feet of the trafficway as measured along the
31 centerline of the nontrafficway collector from a point opposite the chord;
32 or

33
34 *Case B:* Any intersecting local street which is within one hundred (100)
35 feet of the trafficway as measured along the centerline of the local street
36 from a point opposite the chord.

37
38 *Trailer.* A manufactured structure inspected, approved and licensed by the State
39 of Florida Department of Motor Vehicles, constructed so as to permit
40 occupancy thereof as sleeping or living quarters, or use for storage or
41 conveyance for tools, equipment or machinery on a construction site, and
42 so designed that it is or may be mounted on wheels and conveyed on
43 highways and streets, propelled or drawn by other motive power from one
44 location to another.

1 *Translucent.* Any material which allows the passage of light, but does not permit
2 a clear view of any object or person.

3
4 *TRIPS model.* A computer model maintained in the Broward County
5 Development Management Division that accounts for the traffic from
6 approved development that has not yet been completed.

7
8 *Truck berth (or truck loading space).* A truck berth is an area provided adjacent
9 to a loading dock for parking a truck while loading or unloading.

10
11 *Use.* The purpose of which land or a structure thereon is designed, arranged or
12 intended to be occupied or utilized, or for which it is utilized, occupied or
13 maintained.

14
15 *Use (v.).* "Use" or "used" shall mean the continuation of an existing use,
16 establishment of a new use, or any expansion or change of an existing use,
17 of a building, structure or part thereof, or of any land or water area.

18
19 *Use of land.* Includes use of water surfaces and land under water to be the
20 extent covered by zoning districts, and over which the Town of Southwest
21 Ranches has jurisdiction.

22
23 *Use, nonresidential.* A use other than residential use (see use, residential).

24
25 *Use, principal or main.* The primary use of the plot as distinguished from
26 secondary or accessory uses. There may be more than one (1) principal or
27 main use on a plot when permitted by district regulations.

28
29 *Use, residential.* A use such as a one-family dwelling for living or sleeping of
30 persons, not commercial or institutional in character such as a lodging
31 establishment or nursing home.

32
33 *Variance.* A modification of, or deviation from, a regulation of the ULDC which is
34 authorized and approved by the Town Council after it finds through
35 competent substantial evidence that the literal application of the provisions
36 of the Code would cause unnecessary hardship in the use or development
37 of a specific plot, building, or structure, and that such modification or
38 deviation satisfies the criteria for the granting of variances set forth in
39 Article 140, "Variances."

40
41 *Vehicle and equipment, agricultural.* Any operable vehicle and equipment
42 necessary for conducting a permitted agricultural or equestrian use.
43 Landscape maintenance equipment used on the plot (ex: lawn tractor) is
44 also included in this definition, but landscape and lawn maintenance
45 vehicles associated with a business that provides such services off-site are
46 not included.

1
2 *Vehicle, commercial.* Any operable vehicle designed, intended or used for the
3 transportation of people, goods or things, other than private passenger
4 vehicles, agricultural equipment and personal recreation vehicles, provided
5 that any vehicle with a commercial sign placed upon it shall be considered
6 a commercial vehicle. The term "commercial vehicle" shall include, but is
7 not limited to the following:
8

9 (A) *Semi trailer.* All two (2)- or more axle vehicles designed to be coupled
10 to and drawn by a motor vehicle.
11

12 (B) *Truck.* A motor vehicle designed with or modified to contain a bed,
13 platform, cabinet, rack or other equipment for the purpose of carrying
14 items or things or performing commercial activities and weighing eight
15 thousand (8,000) pounds or more. This term includes, but is not
16 limited to, wreckers, tow trucks, dump trucks, utility or service
17 vehicles, and moving vans.
18

19 (C) *Truck-tractor.* A motor vehicle having four (4) or more wheels
20 designed to draw a semi-trailer and often equipped with a "fifth wheel"
21 for this purpose .
22

23 (D) *Bus.* Any vehicle designed or modified for transportation of fifteen (15)
24 or more people in seats permanently placed in the vehicle.
25

26 (E) *Business vehicle.* Any vehicle upon which a business name is
27 displayed. This term includes, but is not limited to, taxis, limousines,
28 ambulances, and vans, but excludes security vehicles which are
29 providing security services to the area where the vehicle is parked.
30

31 *Vehicle and equipment, construction.* Any equipment used in land clearing and
32 development, building construction, utility construction, or road
33 construction.
34

35 *Vehicle, personal recreation.* Any operable motor vehicle or trailer designed and
36 used for general recreation purposes or temporary living quarters for
37 recreational, camping, or travel use, including but not limited to: camping
38 trailers; travel trailers; truck campers; motor homes, but excluding mobile
39 homes which are considered housing; watercraft; and, trailers designed or
40 used for transporting watercraft or other recreational vehicles, but excluding
41 any trailer classified as a commercial vehicle or which is pulled or designed
42 to be pulled specifically by a commercial vehicle.
43

44 *Vehicle, private passenger.* A motor vehicle weighing under eight thousand
45 (8,000) pounds, designed and used for personal transportation, including
46 cars, pickup trucks, sport utility vehicles, minivans, and motorcycles.
47

1 *Vehicle, recreational.* Shall mean one of the following:

- 2 (A) *Camping trailer.* A vehicular, portable unit mounted on wheels and
3 constructed with collapsible partial side walls which fold for towing by
4 another vehicle, and unfolded at the site to provide temporary living
5 quarters for recreational, camping or travel use.
6
- 7 (B) *Truck camper.* A truck equipped with a portable unit, designed to be
8 loaded onto, or affixed to, the bed or chassis of the truck and
9 constructed to provide temporary living quarters for recreational,
10 camping or travel use.
11
- 12 (C) *Motor home.* A vehicular unit which does not exceed the length and
13 width limitations provided in Section 316.515, Florida Statutes, as may
14 be amended from time to time, is built on a self-propelled motor
15 vehicle chassis, and is primarily designed to provide temporary living
16 quarters for recreational, camping or travel use.
17
- 18 (D) *Off-road vehicle.* A motorized vehicle designed and intended solely for
19 recreational activities and not as a means of transportation on public
20 streets.
21
- 22 (E) *Travel trailer, including fifth-wheel travel trailer.* A vehicular, portable
23 unit mounted on wheels, of such a size or weight as not to require
24 special highway movement permits when drawn by a motorized
25 vehicle. It is primarily designed and constructed to provide temporary
26 living quarters for recreational, camping or travel use. It has a body
27 width of no more than eight and one-half (8.5) feet and an overall body
28 length of no more than forty (40) feet when factory-equipped for the
29 road.
30

31 *Vehicular use area.* Parking facilities, driveways, and any area designed or
32 used for vehicular circulation, parking, loading, stacking or storage.
33

34 *Water management area.* A portion of a development that is a functional part of
35 the "surface water management system" and is designed for the normal
36 impoundment, storage, or conveyance of surface water or stormwater.
37

38 *Waterway.* A stream, canal or body of water.
39

40 *Wayside stand:* A structure designed and used for the sale or display of farm
41 products produced on the premises on which said structure is located.
42

43 *Wetlands.* Those areas which are inundated by water, with sufficient frequency
44 to support, and normally do support an assemblage of organisms that is
45 adapted to saturated or seasonally saturated soil conditions for growth
46 and reproduction including, but not necessarily limited to swamps,

marshes, bogs, sloughs, potholes, wet meadows, river flood plains, mud flats and wet prairies.

Wholesale store. A commercial establishment primarily for the sale of merchandise directly to the ultimate consumer, but which also provides for the resale of new merchandise to other commercial enterprises as an accessory use.

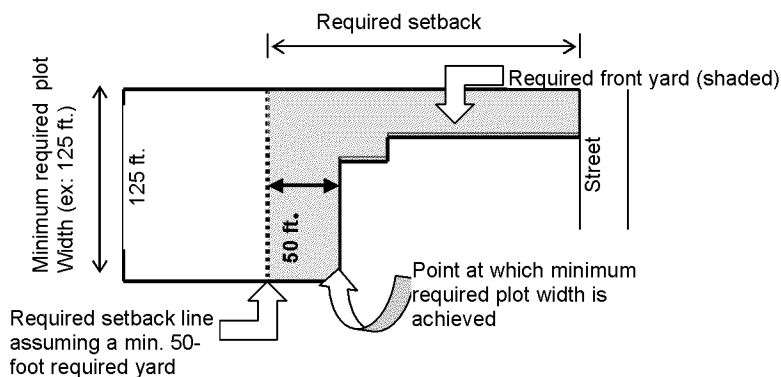
Wildlife pets: Shall include only those animals that have been designated as endangered species, threatened species, or species of special concern by the State of Florida or federal government. This definition shall not include any dangerous or poisonous animal of the reptile or amphibian species.

Wireless communication facility. An antenna, stealth facility or wireless communication tower.

Yard. A space on the same plot with a structure or use, open and unobstructed from the ground to the sky, except by encroachments specifically permitted in Sec. 015-100, "Yard encroachments." Yard measurements shall be the minimum horizontal distances. Yards shall extend and be measured inward from the respective plot lines except for yards abutting streets, in which case they shall be measured from ultimate street lines, and except for flag plots, in which case the depth of a street-side yard extends from the street line to a point where the plot first achieves its minimum required width, and then a distance equal to the minimum required yard depth (see Figure 10-2).

Yard, front. A yard extending across the full width of the plot between the front street line and the nearest line of the buildings or structures on the plot. For plots along cul-de-sacs, the front yard shall be measured parallel to the arc of the cul-de-sac. For flag plots, a front yard located on the side of the plot with a "neck" as illustrated in Figure 10-1 shall include the area in between the required front setback line and the street line.

Figure 10-2. Flag plot; required front yard determination.



1
2 *Yard, rear.* A yard extending across the full width of the plot between the rear
3 plot line and nearest line of a building or structure.
4

5 *Yard, required.* The minimum yard depth required by these regulations. Any yard
6 space supplied in excess of the minimum amount specified shall not be
7 deemed to be a required yard. Note: a minimum setback requirement
8 creates a minimum yard requirement, and a minimum yard requirement has
9 the same effect as requiring a minimum setback (see Figure 10-2, above).
10

11 *Yard, side.* A yard extending from the front yard to the rear yard, between the
12 side plot line, or side street line if applicable, and the nearest line of any
13 building or structure on the plot. The width of a side yard shall be the
14 shortest distance between the side plot line or side street line and the
15 nearest use or building or structure on the plot.
16

17 *Yard sale or garage sale.* The sale of a residential occupant's personal or
18 household belongings to the public from the occupant's residence, either
19 inside or outside of the building.
20

21 22 **ARTICLE 15. GENERAL PROVISIONS**

23 24 25 **Section 015-010. Applicability.**

26
27 The provisions of this Article shall apply to all zoning districts.
28

29 30 **Section 015-020. Reduction of required areas prohibited.**

31
32 No plot area, yard, setback, clearance, separation, parking area, landscape area
33 or other space shall be reduced in area or dimension so as to make said area or
34 dimension less than the minimum required by this Code; and if already less than
35 the minimum required by this Code for a new structure or use, said area or
36 dimension shall not be further reduced, without first obtaining a variance
37 pursuant to Article 140, "Variances" that would specifically allow such reduction.
38 No part of a required yard, setback, clearance, parking area or other space
39 provided for any building, structure or use for the purpose of complying with the
40 provisions of this Code, shall be included as part of a yard, setback, clearance,
41 parking area or other space required under this Code for another building,
42 structure, or use, unless specifically permitted under this Code.
43

1
2 **Section 015-030. Exclusions from height limits.**
3

4 This Section applies to both roofed structures and structures detached from a
5 building, as applicable. Scenery lofts, towers, cupolas, steeples and domes, not
6 exceeding in gross area, at maximum horizontal section, thirty percent (30%) of
7 the roof area, and flagpoles, airplane beacons, broadcasting towers and
8 antennas, other than those regulated by Article 65, "Telecommunication Towers
9 and Antennas," chimneys, stacks, tanks, and roof structures used only for
10 ornamental or mechanical purposes, may exceed the permissible height limit in
11 any district by not more than twenty-five percent (25%). Parapet walls may
12 extend not more than five (5) feet above the allowable height of a building.
13

14
15 **Section 015-040. Minimum plot frontage on arterial and collector**
16 **roadways.**
17

18 Plots fronting on arterial or collector roadways shall comply with the minimum
19 frontage and access requirements of Sec. 090-080, "Access to development."
20
21

22 **Section 015-050. Minimum plot frontage on cul-de-sac roadways.**
23

24 Plots fronting on a cul-de-sac roadway shall comply with the minimum frontage
25 and access requirements of Sec. 090-070, "Lots, generally."
26

27 **Section 015-060. Determination of required yards.**
28

29 For any lot that, because of its unusual shape or orientation relative to a street or
30 other properties, or orientation of its improvements, would clearly lend itself to a
31 different determination of front, rear and side yards, lot width and depth in order
32 to be more functionally developed, the Town Administrator may designate said
33 yards provided the alternate designation is not inconsistent with building
34 orientation and access of adjacent lots in such a manner as to be deleterious to
35 the adjacent property owners or the neighborhood.
36

37
38 **Section 015-070. Dumpster enclosures.**
39

40 Dumpsters existing as of the effective date of this Article and dumpsters
41 constructed subsequent to the effective date of this Article shall comply with the
42 following:
43

- 44 (A) All dumpsters shall be kept within opaque enclosures. No dumpster or
45 dumpster enclosure shall be located within a required landscape buffer,

and may be located within a required yard only if a street or dedicated alley separates the plot from any adjacent residential plot.

(B) Dumpsters shall be maintained free of jagged or sharp edges or inside parts that could prevent the free discharge of their contents.

(C) A licensed collector shall empty dumpsters at intervals that will preclude overflow. Dumpsters and the area around the dumpster and dumpster enclosure shall not be used for disposal of furniture and major appliances and shall be maintained by the property owner free of overflowing refuse at all times. If a continuous problem of insufficient dumpster capacity is proven to exist, additional or larger capacity dumpsters and enclosures or increased frequency of pick-up shall be required in order to eliminate the overflow problem.

(D) All dumpster pads shall be at least two (2) feet larger than the dumpster on all sides. Wheel stops or posts shall be permanently affixed to the pad at least one foot inside the perimeter of the pad to prevent the dumpster from striking the enclosure during collection. The base of the enclosure must be poured concrete, in accordance with the requirements of the Florida Building Code as may be amended from time to time. The base shall extend three (3) feet beyond the front opening of the enclosure as an apron, and all concrete must be level with adjacent asphalt.

(E) Dumpsters and dumpster enclosures shall be located in a position accessible for collection by the equipment of the collector.

(F) The dumpster enclosure shall be constructed so as to accommodate recycling bins, if the recycling bins are over forty (40) gallons.

(G) The gates of the enclosure shall be constructed of a frame with opaque walls affixed thereto, and both frame and walls shall be of a material of sufficient strength to withstand normal use. Gates shall be attached to metal posts at least three (3) inches in diameter with at least two (2) hinges. Each gate shall have a wheel at the bottom to prevent sagging and shall have drop pins or rods to hold the gates in place in both open and closed positions.

Section 015-080. Farms.

Various provisions of this code provide for modifications or exceptions to regulations as they apply to farms. Such modifications and exceptions apply only to plots the Town has determined to be farms pursuant to Article 155, "Administrative Farm Claim Determinations."

1
2 **Section 015-090. Prohibited accessory structures.**
3

4 The use of shipping containers, including portable storage units, shall not be
5 permitted as accessory buildings or structures on plots within all zoning districts
6 except the M, Manufacturing District. Truck bodies shall be prohibited in all
7 zoning districts as accessory structures.
8

9 **Section 015-100. Yard encroachments.**
10

11 (A) The following structures may encroach into required yards:
12

- 13 (1) Vehicular use areas, and walkways up to six (6) feet in width, subject
14 to special setbacks from property lines set forth in Sec. 080-190,
15 "Minimum separation requirements."
- 16 (2) Utility poles and transmission lines
- 17 (3) Fences, walls and hedges subject to district regulations
- 18 (4) Landscaping
- 19 (5) Underground utilities, including stormwater pipes, culverts, septic
20 tanks, and drainfields
- 21 (6) Signs, subject to Article 70, "Signs"
- 22 (7) Lighting, subject to Article 95, "Outdoor Lighting Standards, " provided
23 that any freestanding lights shall be no taller than eight (8) feet above
24 the established grade.
- 25 (8) Irrigation water pumps, wells, water meters, electrical meters and
26 similar above-ground telephone and cable utility company equipment
27 typically found on single-family residential plots.
- 28 (9) Sewer or water lift stations
29

30 (B) The following structures are specifically not permitted to encroach into
31 required yards:
32

- 33 (1) Roof projections, eaves
- 34 (2) Air conditioning pads and condenser units
- 35 (3) Pool and other mechanical equipment
- 36 (4) Anything not specifically permitted under Subsection (A), above.
- 37 (5) Slabs, decks, and any paved area other than a walkway of six (6)
38 feet or less in width.
39
40

41 **Section 015-110. Flag plots.**
42

43 In addition to meeting the minimum plot size requirement for the zoning district
44 within which the flag plot is located, every flag plot shall also have at least thirty-
45 five thousand (35,000) square feet of net acreage excluding the required front
46 yard. The purpose of this provision is to ensure that flag plots are buildable

1 without variances and provide adequate open space on the buildable portion of
2 the plot. Flag plots are only permitted in the agricultural and rural districts.

3
4 **Section 015-120. Uses to be within enclosed buildings.**

5
6 All principal permitted uses and their accessory uses shall be located and shall
7 occur within completely enclosed buildings, unless the ULDC specifically
8 authorizes the use to occur in an unenclosed structure, or the use is an outdoor
9 use by its very nature. For example, agricultural uses, the retail sale of motor
10 vehicle fuels, car washes accessory to gas stations, and many recreational
11 uses, such as those occurring on school grounds or in parks, are presumed to
12 occur outdoors or within unenclosed structures.

13
14
15 **ARTICLE 20. PROPERTY MAINTENANCE AND JUNK OR ABANDONED**
16 **PROPERTY.**

17
18 **Section 020-010. Purpose and intent.**

19
20 (A) It shall be the purpose and intent of this Article to:

- 21
22 (1) Establish and define minimum standards for the proper care and
23 maintenance of public and private properties within the Town of
24 Southwest Ranches and the swale areas contiguous to such lands, to
25 provide an environment free of junk vehicles and vessels, derelict
26 aircraft, junk, litter, garbage, debris, trash, overgrown groundcover and
27 hedges, and unmaintained buildings or structures, to preserve the
28 public health and safety, protect and enhance property values and
29 enhance the quality of life in the Town;
30
31 (2) Establish procedures for the abatement of unsanitary and unsafe
32 conditions created by the accumulation of junk, litter, garbage, debris,
33 trash, overgrown groundcover and hedges, and unmaintained
34 buildings or structures on lands;
35
36 (3) Encourage the use of approved landfill and resource recovery sites by
37 clarifying the duty of property owners to take reasonable precautions
38 to prevent, discourage or eliminate unauthorized dumping of junk,
39 litter, garbage, debris or trash upon lands; and
40
41 (4) Require owners of real and personal property to be responsible for the
42 costs of removal of junk vehicles, items, and vessels, derelict aircraft,
43 litter, garbage, debris, trash, and overgrown groundcover and hedges.

(B) This Article shall not be construed to:

- (1) Discourage property owners from planting, preserving or maintaining native vegetation in its natural state upon their land;
- (2) Prohibit the collection of garbage or recyclable materials in authorized receptacles for collection by authorized garbage and trash collectors or authorized collectors of recyclable materials; nor the placement of debris in the swale area for a reasonable time, not to exceed two (2) days prior to the date for a special bulk collection by an authorized garbage or trash collector; or
- (3) Require clearing activities in violation of Chapter 5, Article XII, "Natural Resource Areas."
- (4) Prohibit, restrict, regulate, or otherwise limit any activity of a bona fide farm operation on land classified as agricultural land pursuant to Section 193.461, F.S., as may be amended from time to time, where such activity is regulated through implemented best-management practices or interim measures developed by the Florida Department of Environmental Protection, the Florida Department of Agriculture and Consumer Services, or water management districts and adopted under Chapter 120, F.S., as may be amended from time to time, as part of a statewide or regional program.
- (5) Prohibit, restrict, regulate, or otherwise limit any activity of a farm operation, as defined in Article 10, "Definition of terms," so long as such activity has not been determined to be a nuisance pursuant to Section 020-030, "Public nuisance."

(C) In order to restore, enhance, and maintain the health, safety, and welfare of properties within the Town and promote an attractive community in which people may reside and do business, this Article is intended to apply to all existing buildings and structures on developed properties and to all undeveloped properties within the Town of Southwest Ranches.

Section 020-020. Definitions.

In addition to the terms defined in Article 10, "Definition of Terms," the following words, terms, and phrases, when used in this Article, shall have the meanings ascribed to them in this Section except where the context clearly indicates a different meaning.

1 *Debris.* Waste materials resulting from the construction or demolition of
2 structures or buildings or waste accumulation of lawn, grass, shrubbery,
3 tree trimmings, fruit or other matter usually created as refuse in connection
4 with trees or other landscape plants.

5
6 *Derelict aircraft.* Aircraft stored in the open to which one (1) or more of the
7 following applies:
8

9 (A) An aircraft that does not hold a current and valid airworthiness
10 certificate issued by the Federal Aviation Administration, or other
11 appropriate aircraft certifying authority, together with necessary
12 endorsement by an appropriately rated certificate holder that the
13 aircraft is in airworthy condition;
14

15 (B) An aircraft that has been issued a condition notice by the Federal
16 Aviation Administration that specifies that the aircraft has one (1) or
17 more conditions which causes it not to be airworthy;
18

19 (C) An aircraft which has had major components, accessories, flight
20 controls, or portions of the airframe or engines removed so as to
21 render the aircraft not airworthy.
22

23 *Garbage.* Every waste accumulation of animal or vegetable matter which attends
24 the preparation, use, cooking, processing, handling or storage of meats,
25 fish, fowl, fruits, vegetables or other organic matter, which is subject to
26 decomposition, decay, putrefaction or the generation of noxious or
27 offensive gases or odors, or which during or after decay, may serve as a
28 breeding or feeding material for flies, insects or animals.
29

30 *Junk items.* Wrecked, dismantled, partially dismantled or discarded items
31 including, but not limited to, tires, machinery, appliances, plumbing fixtures,
32 household items, unusable construction materials, and other similar items
33 which are inoperable, unusable or in deteriorated condition.
34

35 *Junk property.* Junk items, junk vehicles, junk vessels and derelict aircraft, as
36 those terms are defined herein.
37

38 *Junk vehicles and vessels.* Vehicles, trailers or vessels which are wrecked,
39 dismantled, partially dismantled or discarded, and which are inoperable or
40 in a severely deteriorated condition.
41

42 *Litter.* Discarded paper, paper or plastic products, and containers of any kind.
43

44 *Overgrown groundcover.* Grass, weeds, and other low-growing plants, except
45 native vegetation, that by the nature of their own horizontal growth habits,
46 cover the ground, and which are not regularly cared for and maintained,

1 and grow in an uncontrolled manner exceeding six (6) inches in height on
2 nonresidentially zoned properties and exceeding eighteen (18) inches in
3 height in agricultural and rural zoning districts, and on plots contiguous to,
4 or separated by a street or right-of-way from, a plot containing a single-
5 family residence.
6

7 *Storm panel.* Any window or door covering designed, intended, or used to
8 protect the window or door opening from wind and flying debris damage
9 during a windstorm. Examples include, but are not limited to, plywood
10 panels, aluminum panels, steel panels, polycarbonate panels, movable
11 awnings, and “accordion shutters.”
12

13 *Swale.* That portion of a street intended to provide drainage that lies between
14 private property (or in the case of a private road, private property lying
15 outside of an ingress/egress easement) and the actual pavement of the
16 street.
17

18 *Trash.* Every waste accumulation of sweepings, dust, rags, cartons or any other
19 such discarded material, except garbage, junk, and litter.
20
21

22 **Section 020-030. Public nuisances.**

23

24 (A) The following are prohibited as public nuisances: the open storage or
25 discarding of junk vehicles and vessels, derelict aircraft, junk items,
26 debris, garbage, trash, and litter--except in facilities approved by the
27 Town for storage or discarding of such items or materials, the
28 maintenance of overgrown groundcover or vegetation, unmaintained
29 buildings and structures within the Town, and the covering of windows
30 and door openings with storm panels in violation of Sec. 020-040(G).
31 Such storage and discarding has been determined by the Town Council
32 to constitute a public nuisance in that such items create an eyesore to the
33 community, become a breeding ground for rats and other vermin, create
34 an attractive nuisance to children, lead to the further accumulation of junk,
35 garbage, trash, litter, and debris, and contribute to the deterioration of
36 both residential and nonresidential areas.
37

38 (B) The Town Council has determined that the removal of overgrown
39 groundcover and hedges, junk items, trash, garbage, litter and debris
40 after providing notice to the property owner and a reasonable period of
41 time in which to remove the items is an appropriate means of furthering
42 the health, safety and welfare of the citizens of the Town.
43

44 (C) The Town Council has determined that the removal and destruction of junk
45 vehicles and vessels and derelict aircraft from private property after the

1 reasonable opportunity for a hearing is an appropriate means of furthering
2 the health, safety, and welfare of the citizens in the Town.
3

4 (D) Farm operations located on that portion of a plot or plots of land located in
5 agricultural and rural districts that have been classified as agricultural
6 pursuant to Section 193.461, F.S., as may be amended from time to time,
7 or the use of which has been determined to be a farm pursuant to an
8 administrative determination of the Town Administrator, a final order of the
9 Town Council, or a court of law in accordance with Article 155,,
10 "Administrative Farm Claim Determinations,]" which has been in existence
11 for one (1) year or more since its established date of operation and which
12 was not a nuisance at the time of its established date of operation, shall
13 constitute a public or private nuisance if the farm operation does not
14 conform to generally accepted agricultural and management practices or if
15 it is determined by the Special Master that any of the following conditions
16 exist:
17

18 (1) The presence of untreated or improperly treated human waste,
19 garbage, offal, dead animals, dangerous waste materials, or gases
20 that are harmful to human or animal life.
21

22 (2) The presence of improperly built or improperly maintained septic
23 tanks, water closets, or privies.
24

25 (3) The keeping of diseased animals that are dangerous to human health,
26 unless such animals are kept in accordance with a current state or
27 federal disease control program.
28

29 (4) The presence of unsanitary places where animals are slaughtered,
30 which may give rise to diseases which are harmful to human or animal
31 life.
32

33 (E) No farm operation shall become a public or private nuisance as a result of
34 a change in ownership, a change in the type of farm product being
35 produced, a change in conditions in or around the locality of the farm, or a
36 change brought about to comply with Best Management Practices adopted
37 by local, state, or federal agencies if such farm has been in operation for
38 one (1) year or more since its established date of operation and if it was not
39 a nuisance at the time of its established date of operation.
40

41 (F) The expansion of a farm operation will not be permitted to a more
42 excessive farm operation with regard to noise, odor, dust, or fumes where
43 the existing farm operation is adjacent to an established homestead or
44 business on March 15, 1982.
45
46

1 **Section 020-040. Duty to maintain property.**
2

3 (A) It shall be the responsibility of all property owners in the Town to maintain
4 their property and contiguous swale free of junk vehicles and vessels, junk
5 items, garbage, trash, litter, debris and unmaintained buildings or
6 structures.
7

8 (B) The open storage of debris, garbage, trash, litter, junk vehicles and vessels
9 or derelict aircraft shall be permitted only on property where such storage is
10 a permitted use or a valid nonconforming use and the property is
11 maintained and operated in accordance with all applicable zoning, land
12 development, health, and environmental regulations.
13

14 (C) Junk vehicles and vessels and junk items may be stored on residential
15 property only within a completely enclosed structure in a manner so that
16 the junk is not visible from other public or private property and does not
17 create a health hazard. Such storage shall only be permitted as an
18 accessory use.
19

20 (D) It shall be the responsibility of all owners of parcels of land to maintain such
21 lands and contiguous swales free of overgrown hedges and groundcover.
22

23 (E) It shall be the responsibility of all property owners of developed land to
24 maintain buildings or structures on their property in a state of good repair.
25 "State of good repair" shall mean:
26

27 (1) *Color.* All buildings and structures shall be painted and maintained
28 free of chipping paint, graffiti or other discoloration.
29

30 (2) *Doors and windows.* All door and window openings on occupied
31 buildings shall be covered by windows and doors in working order with
32 no cracks, holes or other signs of disrepair. Any door and window
33 coverings shall be painted to match the remainder of the building.
34

35 (3) *Accessory structures.* Any accessory structure on a plot, including but
36 not limited to, attached or detached carports and garages, awnings,
37 screen porches, utility buildings, and wood decks, shall be maintained
38 free of visual disrepair, including but not limited to, bent, broken or
39 missing fence posts, slats or other fencing materials, cut or missing
40 mesh screening or broken or missing decking materials. Concrete
41 fences shall be finished with stucco on both sides and painted in a
42 color compatible with the principal and accessory structures on the
43 plot. Signs shall be maintained in accordance with requirements of
44 Section 070-060, "Maintenance and removal."
45

1 (F) It shall be the responsibility of any property owner and the authorized
2 occupant of public property to maintain the premises free of any junk
3 vehicles, items, and vessels, derelict aircraft, debris, trash, garbage, and
4 litter, except for junk vehicles, vessels or derelict aircraft stored within a
5 building or other facility approved by the governmental authority having
6 jurisdiction over such public property.
7

8 (G) It shall be prohibited to cover any window or door opening with storm
9 panels prior to the beginning of the Atlantic Hurricane
10 Season on June 1st of each year, and after the conclusion of the Atlantic
11 Hurricane Season on November 30th of each year. This requirement shall
12 not apply should the National Hurricane Center declare a tropical storm
13 watch for the area encompassing Southwest Ranches in any period
14 preceding or following the Atlantic Hurricane Season, provided that the
15 panels shall be removed and properly stored, hidden from view by
16 adjacent properties and streets, within thirty (30) days after issuance of
17 the tropical storm watch. Should the Federal Government declare that
18 the Town is a disaster area eligible for Federal aid following a tropical
19 storm event, the Town Council may, by resolution, extend the period for
20 which storm panels may be utilized.
21
22

23 **Section 020-050. Procedure for violations; notices.** 24

25 (A) In furtherance of Florida Statutes Sec. 166.06, as may be amended from
26 time to time, whenever a violation of the code is found, the code
27 compliance officer shall notify the violator and shall give him or her a
28 reasonable time to correct the violation. Should the violation continue
29 beyond the time specified in the correction, the code compliance officer
30 shall schedule the matter to be heard by the Town's Special Master. The
31 property owner, who will be determined in accordance with the tax rolls of
32 Broward County, unless the code compliance officer has received by
33 certified mail an official document establishing a subsequent property
34 owner, shall be sent notice of the violation, pursuant to Florida Statutes
35 Sec. 162.12, as may be amended from time to time.
36

37 (B) Pursuant to Chapter 162, Florida Statutes, in addition to notice as provided
38 by Subsection (A), notice may be provided by posting. Such notice shall be
39 posted for at least ten (10) days in at least two (2) locations, one of which
40 shall be the property upon which the junk property is alleged to exist and
41 the other shall be Town Hall. Proof of posting shall be by affidavit of the
42 person posting the notice, which affidavit shall include a copy of the notice
43 posted and the date and places of its posting. Notice by posting may run
44 concurrently with, or may follow, an attempt or attempts to provide notice
45 by mail as required by Subsections (B) and (C).
46

- 1 (C) Whenever a code compliance officer determines that overgrown
2 groundcover or hedges, junk items, debris, garbage, litter or trash are being
3 stored on private property or in the swale in violation of this Article, the
4 officer shall cause a notice to be provided to the property owner of the real
5 property upon which the overgrown groundcover or hedges, junk items,
6 debris, garbage, litter or trash are located. If the junk items, overgrown
7 groundcover or hedges, debris, garbage, litter or trash are located in the
8 swale, the notice shall be provided to the owner of the real property
9 contiguous to the swale. The owner shall be determined in accordance with
10 the tax rolls of Broward County, unless the code compliance officer has
11 received by certified mail official document establishing of a subsequent
12 property owner.
13
- 14 (D) If the junk vehicle, vessel or derelict aircraft is on private property, the
15 code compliance officer shall cause a copy of the notice, or a notice in
16 substantially the same form as the notice described in Section (A) above,
17 to be mailed by certified mail, return receipt requested, to the owner of the
18 real property upon which the junk vehicle, vessel, or derelict aircraft is
19 located, the owner to be determined in accordance with the tax rolls of
20 Broward County, unless the compliance officer has received an official
21 document by certified mail of a subsequent property owner.
22
- 23 (E) If the junk vehicle, vessel or derelict aircraft is on private property, the code
24 compliance officer shall cause a copy of the notice, as described in (A)
25 above, to be mailed by certified mail, return receipt requested, to the owner
26 of the real property upon which the junk vehicle, vessel or derelict aircraft is
27 located, the owner to be determined in accordance with the tax rolls of
28 Broward County, unless the code compliance officer has received an
29 official document establishing a subsequent property owner.
30
- 31 (F) *Unmaintained buildings and structures.* If a code compliance officer
32 determines that any building or structure is being maintained in a state of
33 disrepair, a notice of violation shall be sent to the property owner in
34 accordance with the notice procedures specified in Chapter 162, Florida
35 Statutes, as incorporated in the Town's code enforcement procedures.
36
37

38 **Section 020-060. Abatement of violations.**

39

- 40 (A) *Abatement of violations relating to land clearance.* If the land-clearing
41 violation is not corrected following notice as set forth in Section 020-050,
42 "Procedures for violations; notices," the Town may correct the violation by
43 clearing the property or causing it to be cleared, removing or causing the
44 removal of litter, debris, garbage, overgrown groundcover or hedges, junk
45 items or conducting such other activity necessary to bring the property
46 into compliance with this Article. The Town shall send notice by mail to

1 the responsible party specifying the costs of removal, administrative
2 costs, including the cost of prosecution, and requesting payment within
3 thirty (30) days of the mailing.
4

- 5 (B) *Abatement of violations relating to unmaintained buildings and structures.*
6 Any building or structure which is not brought into compliance with this
7 Article within thirty (30) days from the date of notice shall be enforced
8 pursuant to the provisions contained in Chapter 162, Florida Statutes, as
9 incorporated in the Town's code enforcement procedures. If authorized
10 pursuant to § 162.09, Florida Statutes, as may be amended from time to
11 time, the Town may make all reasonable repairs to bring the property into
12 compliance and charge the property owner for the reasonable cost of the
13 repairs.

Section 020-070. Pre-taking hearings for junk vehicles, vessels, items, and derelict aircraft.

(A) *Pre-taking hearings for junk vehicles and vessels, derelict aircraft; junk items on airport property.* If a contest has been filed with the Town Attorney to any notice of violation issued pursuant to the requirements of Section 020-050, "Procedures for violations; notice," the Special Master shall conduct a hearing and make a determination as to whether the vehicle, vessel, item or aircraft is in violation of the provisions of this Article. The Special Master shall receive evidence and testimony from the person(s) contesting the charge, if present, or his or her representative; from anyone claiming an interest in the vehicle, vessel, aircraft or junk item; from any witness(es) the owner(s) of the vehicle, vessel, aircraft or junk item wish to present; from any witness(es) presented by the Town; and those members of the public the Special Master determines have relevant evidence or testimony. Hearsay evidence shall be admissible to support other testimony but shall not be sufficient alone to support a finding. Sworn testimony shall be given greater weight than unsworn testimony. Following a hearing, the Special Master shall make findings of fact and conclusion of law determining whether the junk property cited with a notice of violation is in violation of the provisions of this Article. In addition, the Special Master shall prescribe a date by which the junk property must be removed or properly stored by the property owner. The date shall be at least five (5) business days after the hearing. If the junk property is not removed or properly stored by the date set by the Special Master, the Town may remove and destroy the junk property.

(B) Any person who intends to appeal a decision of the Special Master relating to a junk property shall file a notice with the Town Attorney no later than two (2) business days prior to the date set by the Special Master for removal of the junk property. Such notice shall advise the Town Attorney that an appeal will be filed and that the junk property should not be removed. If such notice is received, the Code Compliance Officer shall not authorize the removal of such junk property until a determination is made whether an appeal has been filed in a timely manner. If an appeal has not been filed within the time prescribed, the junk property may be removed immediately, or following the date set by the Special Master for removal, whichever is later. If an appeal has been filed, the junk property shall not be removed until after the appeal is decided unless removal is authorized by the court.

(C) All appeals to the decisions of the Special Master shall be writ of certiorari to the Seventeenth Judicial Circuit within thirty (30) days after rendition of the decision pursuant to Sec 162.11 FS, as may be amended from time to time.

1
2 **Section 020-080. Responsibility for costs of junk property removal.**
3

- 4 (A) *Private property.* If the junk property removed by the Town pursuant to
5 this Article is a boat or motor vehicle located on private property, the last
6 registered owner of the boat or motor vehicle and/or the owner of the
7 property on which the boat or motor vehicle is located shall have the
8 obligation to pay the costs of removal, including an administrative fee,
9 which shall be set by the Town Council to offset the costs of administering
10 and enforcing this Article. If the junk property is other than a boat or motor
11 vehicle and is located on private property, the owner of the property upon
12 which the item is located shall be responsible for the costs of removal.
13
- 14 (B) The Town shall send notice by mail to the responsible party specifying the
15 costs of removal, administrative costs, including the cost of prosecution,
16 and requesting payment within thirty (30) days of the notice. If payment is
17 not made, the Town may seek recovery of its costs by appropriate civil
18 action or as provided by law.
19

20 **Section 020-090. Pre-assessment and special assessment hearings**
21 **relating to land clearance.**
22

- 23 (A) If any owner whose property has been cleared by the Town fails to pay the
24 bill sent pursuant to Section 020-060, "Abatement of violations," within thirty
25 (30) days, the Town Council may, by resolution, levy a special assessment
26 on behalf of the Town against the property for costs of clearance, together
27 with interest thereon from the date such costs became due at the maximum
28 rate allowed by law for special assessments, plus all costs related to
29 assessment and recording of the lien as provided by resolution of the
30 Council. The Council may levy the total costs incurred or any mitigated or
31 reduced amount recommended by the Town Administrator at the
32 conclusion of the pre-assessment hearing specified in Subsection (C) or
33 may levy any amount less than the total costs which the Council finds
34 appropriate and equitable.
35
- 36 (B) *Notice.* At least fifteen (15) days before the Town Council shall consider
37 levying the costs and recording a special assessment lien, notice of the
38 date and place when such consideration will be made shall be published in
39 a newspaper of general circulation in the county and shall also be sent by
40 certified mail, return receipt requested, to the property owner as shown on
41 the current tax roll of Broward County, unless the code compliance officer
42 has received by certified mail of a subsequent property owner. Evidence
43 that notice has been mailed as provided in this Section, together with proof
44 of publication, shall be sufficient to show that the notice requirements of
45 this Section have been met, without regard to whether or not the property

owner actually received such notice. Both notices shall contain the following:

- (1) A statement that, prior to the date set for the public hearing before the Town Council, the property owner or authorized representative of property owner (hereinafter collectively referred to as "property owner") may contest any of the costs, fees or expenses described in the notice at an informal hearing before the Town Administrator;
 - (2) The name, address, and telephone number of a Town official to contact to request an informal hearing as specified in Subsection (C);
 - (3) A statement that the informal hearing will be held at a time and place to be set by the Town Administrator;
 - (4) A statement that the property owner should bring any witness, pictures, records, receipts or other documentation to the informal hearing which the property owner feels are relevant to the violation;
 - (5) A statement that, in lieu of attending the informal hearing, the property owner may submit written documentation pertaining to the violation to the Town Administrator for consideration at the informal hearing; and
 - (6) A statement that the property owner shall have the right to appear at the public hearing before the Town Council to discuss the violation regardless of whether or not the property owner requests or participates in an informal hearing procedure.
- (C) At the informal pre-assessment hearing, the Town Administrator may consider the statements of the property owner and other persons with personal knowledge pertaining to the violation, and any documentation or information submitted which pertains to the violation.
- (D) At the conclusion of the informal hearing, based on the amount of costs and administrative fees incurred by the Town in clearing the property and any statements and documentation presented at the informal hearing, the Town Administrator may recommend settlement, adjustment, or otherwise compromise the violation pursuant to the provisions of Section 1-51.3, "Claims against or on behalf of the Town; limit, rules and regulations; role of Town Attorney," Town of Southwest Ranches Code of Ordinances. Recommended settlements, adjustments, or compromises of land clearance costs and fees up to twenty-five hundred dollars (\$2,500.00) may be forwarded to the Town Council pursuant to the provisions of Section 1-51.3(A) of the Code. Recommended settlements, adjustments, or compromises of land clearance costs and fees in excess of twenty-five

hundred dollars (\$2,500.00) shall be approved by the Town Council pursuant to Section 1-51.3(E)(1) of the Code.

(E) Nothing contained herein shall prohibit the Town from seeking recovery of its costs by appropriate civil action or as provided by law.

(F) *Priority of special assessment lien.* The special assessment lien levied pursuant to this Section shall be a first lien superior to all other liens on the property and shall be equal to the lien of all state, county, district and municipal taxes until paid.

ARTICLE 25. ALCOHOLIC BEVERAGE AND ADULT ENTERTAINMENT ESTABLISHMENTS

Section 025-010. Alcoholic beverage establishments in general.

The following regulations shall apply to the location, design, construction, operation and maintenance of all alcoholic beverage establishments and shall be in addition to other requirements or limitations of this Code.

Section 025-020. Separation requirements for alcoholic beverage establishments.

Alcoholic beverage establishments shall be located at least five hundred (500) linear feet from any other such establishment and at least one thousand (1,000) linear feet from any educational center, place of worship or child care center.

(A) The required five hundred (500)-foot distance shall be measured and computed by following a straight line from the nearest point of the existing building or structure, or part thereof, in which an alcoholic beverage establishment is located or has received approval to locate, to the nearest point of the building or structure, or part thereof, in which an alcoholic beverage establishment is proposed to be located.

(B) The required one thousand (1,000)-foot distance shall be measured and computed as the shortest straight, airline distance between the plot of the educational center, place of worship or child care center and the building or structure, or part thereof, in which the alcoholic beverage establishment is proposed to be located.

(C) Distance separation requirements shall not apply if one (1) or both of the two (2) establishments are:

1 (1) An alcoholic beverage establishment within a hotel, motel, resort or
2 convention center; or

3
4 (2) An alcoholic beverage establishment operated as part of a permitted
5 outdoor event.
6

7 (D) For the purpose of determining the distance between alcoholic beverage
8 establishments and places of worship, educational centers, child care
9 centers, and other alcoholic beverage establishments, the applicant for
10 such use shall furnish a certified survey from a land surveyor registered in
11 the State of Florida, indicating the distance between the proposed
12 establishment and any place of worship, education center, child care center
13 and any existing alcoholic beverage establishment. The survey shall
14 indicate the shortest distance as measured and computed in the manner
15 set forth herein. In case there are no places of worship, educational
16 centers, child care centers or existing alcoholic beverage establishments
17 within the distances set forth herein, the survey shall so certify.
18

19 (E) If the proposed establishment is to be located within a single building or
20 structure containing multiple tenants, which includes an existing alcoholic
21 beverage establishment, educational center, place of worship or child care
22 center, the required distances shall be measured and computed by utilizing
23 the main entrances of the proposed establishment and the existing
24 alcoholic beverage establishment, educational center, place of worship or
25 child care center therein.
26
27

28 **Section 025-030. Alcoholic beverage establishments; application to new**
29 **educational centers, places of worship or child care**
30 **centers.**
31

32 Where an alcoholic beverage establishment is located in conformity with the
33 provisions of this Article, the subsequent locating of a place of worship,
34 educational center or child care center within one thousand (1,000) linear feet of
35 the existing alcoholic beverage establishment shall not be construed to cause
36 such establishment to be in violation of this Article or to be considered a non-
37 conforming use.
38
39

40 **Section 025-040. Existing alcoholic beverage establishments.**
41

42 Except as provided in Section 025-030, "Alcoholic beverage establishments;
43 application to new educational centers, places of worship or child care centers,"
44 any existing alcoholic beverage establishment which does not conform to the
45 provisions of this Article but which conformed to the regulations in effect when
46 such establishment began operating and which was approved through the

1 issuance of a zoning certificate or certificate of use shall be considered a legal
2 nonconforming use, subject to the provisions of Article 30, "Nonconforming
3 Uses, Structures, and Plots," of this Code.

4
5
6 **Section 025-050. Adult entertainment establishments; findings and**
7 **purpose.**
8

9 In the development, enforcement and amendment of this Code, it is recognized
10 that there are principal and accessory uses which because of their very nature
11 are recognized as having serious objectionable characteristics particularly when
12 several of them are concentrated in any given location, thereby having a
13 deleterious effect upon the adjacent business and residential areas. Further, it is
14 recognized that the location of even one (1) such use near a residential area or
15 other incompatible use causes such deleterious effects on the neighborhood and
16 on the businesses that serve the neighborhood. Special regulation of these uses
17 is necessary to ensure that these adverse effects will not contribute to the
18 blighting and downgrading of the surrounding neighborhood. Adult
19 entertainment establishments are also regulated under Chapter 20, Article XVI,
20 "Adult Entertainment Code," of this Code.

21
22
23 **Section 025-060. Distance limitations for adult entertainment**
24 **establishments.**
25

- 26 (A) No adult entertainment establishment shall be located or operated nearer
27 than one thousand (1,000) feet from any other adult entertainment
28 establishment, place of worship, child care center, or educational center,
29 except vocational and technical schools, colleges and universities
30 (hereinafter called "educational center for purposes of this Article).
31 Measurement of the one thousand (1,000) feet shall be made in
32 accordance with Subsection (C) below.
33
- 34 (B) No adult entertainment establishment shall be located or operated nearer
35 than five hundred (500) feet to a residential zoning district as defined in
36 Section 010-030, "Definitions of terms". Measurement of the five hundred
37 (500) feet shall be made in accordance with Subsection (C) below.
38
- 39 (C) For the purposes of this Article, an adult entertainment establishment shall
40 be deemed to be within one thousand (1,000) feet of another adult
41 entertainment establishment, place of worship, child care center or
42 educational center, or within five hundred (500) feet of a residential zoning
43 district, if any part of the building in which an adult entertainment
44 establishment is proposed to be located is within one thousand (1,000) feet
45 of the plot where another adult entertainment establishment is located; or is
46 within one thousand (1,000) feet of the plot of land upon which a place of

1 worship, child care center or educational center is located; or within five
2 hundred (500) feet of the district boundary line of a residential zoning
3 district, as measured by an actual or imaginary line upon the ground or in
4 the air. To determine the distances regulated by this Article, the person
5 seeking to establish or operate an adult entertainment establishment shall
6 furnish to the Town a survey sealed by a land surveyor certified by the
7 State of Florida. The survey shall indicate the distance between the
8 proposed adult entertainment establishment and any other adult
9 entertainment establishment, residential zoning district, place of worship,
10 child care center, or educational center in the manner set forth herein.
11
12

13 **Section 025-070. Adult entertainment establishments; application to new**
14 **places of worship, educational centers, childcare**
15 **centers or residentially zoned districts.**
16

17 Where an adult entertainment establishment licensed in accordance with
18 Chapter 20, Article XVI, "Adult Entertainment Code," is located in conformity with
19 the provisions of this Code, the subsequent locating of a place of worship,
20 educational center or child care center within one thousand (1,000) feet, or a
21 residential zoning district within five hundred (500) feet, of the adult
22 entertainment establishment shall not be construed to cause the establishment
23 to be in violation of this Code or to be classified as a nonconforming use.
24
25

26 **Section 025-080. Nonconforming adult entertainment establishments.**
27

28 Except as provided in Section 025-070, any existing adult entertainment
29 establishment licensed in accordance with Chapter 20, Article XVI, "Adult
30 Entertainment Code," which conformed to the regulations in effect when such
31 adult entertainment establishment was established, that becomes
32 nonconforming by the enactment of this Article, shall be removed or
33 discontinued within five (5) years of the effective date of this Article.
34

35 **ARTICLE 30. NONCONFORMING USES, STRUCTURES, AND PLOTS**
36

37 **Section 030-010. Purpose and intent.**
38

39 The purpose and intent of this Article is to regulate and limit the development
40 and continued existence of lawfully established uses, structures, and plots
41 established prior to the original effective date of these regulations or any
42 amendments hereto that do not conform to the requirements of these
43 regulations. The provisions of this Article are designed to generally curtail
44 substantial investment in nonconformities and bring about their eventual
45 elimination in order to preserve the integrity of these regulations. Any
46 nonconforming use, structure or plot that does not conform to the requirements

1 of this Code and that lawfully existed as of the effective date of these
2 regulations, and any use, structure or plot that has become nonconforming as a
3 result of the adoption of these regulations or any subsequent amendment hereto
4 may be continued or maintained only in accordance with the terms of this Article
5 as well as all other provisions in this Code pertaining to nonconformities. Where
6 a period of time is specified in this Article, or in any other Article of this Code, for
7 the removal or discontinuance of nonconforming structures or uses, said period
8 shall be computed from the effective date of such reclassification or change of
9 regulations.

10
11
12 **Section 030-020. Establishment of nonconformities.**

13
14 The Town Attorney shall make a determination as to the existence of a
15 nonconformity based upon evidence furnished by the applicant for the
16 determination. Although the Attorney may make use of affidavits and
17 investigation as the Attorney determines necessary in a particular case, the
18 applicant for the determination shall bear the burden of proof that the property is
19 entitled to nonconforming status.

20
21 The question as to whether a nonconforming use exists shall be a question of
22 fact, and the determination of the Attorney may be appealed pursuant to the
23 procedures of Article 145, "Appeals of Administrative Decisions."

24
25 **Section 030-030. Repair, expansion and reconstruction of nonconforming**
26 **uses.**

27
28 (A) *Nonconforming use of structures.* The nonconforming use of a structure
29 may be extended throughout any part of the structure clearly designed for
30 such use but not so used at the effective date of the ordinance that created
31 the nonconforming use. Any nonconforming use that occupied a portion of
32 a structure not originally designed or intended for such use shall not be
33 extended to any other part of the structure or any other structure on the
34 plot.

35
36 (B) *Nonconforming use of land.* A nonconforming use shall not be extended to
37 any land outside of a structure. The nonconforming use of land shall not be
38 extended or moved to any area on the plot not so used at the effective date
39 of the ordinance that created the nonconforming use.

40
41 (C) *Repair, alteration, enlargement of structures used for nonconforming uses.*
42 No structure utilized for a nonconforming use shall be enlarged, extended
43 or structurally altered, unless the use is changed to one which complies
44 with the provisions of this Code, provided, that repairs and maintenance
45 may be carried out in any one (1) year period in an amount not to exceed
46 twenty-five percent (25%) of the assessed value of the structure for that

year, and further provided that such work does not increase the cubical content of the structure nor the floor area devoted to the nonconforming use, nor increase the number of dwelling units. Improvements specifically required by this Code, for example, bringing the site into compliance with Article 75, "Landscaping," shall be exempt from this Subsection. Nothing herein shall prevent compliance with applicable laws or statutes relative to the safety and sanitation of a structure occupied by a nonconforming use.

Section 030-040. Change of nonconforming use.

(A) There may be a change of tenancy, ownership or management of a nonconforming use provided there is no change of occupancy as defined in Section 080-010(D), "Off-street parking required," except as provided in (B), below.

(B) Any change of a nonconforming use shall be to a conforming use.

Section 030-050. Discontinuance, destruction or abandonment of a nonconforming use.

(A) *Nonconforming use of land.* If for any reason a nonconforming use of land ceases or is discontinued for a period of more than sixty (60) days, the land shall not thereafter be used for a nonconforming use. Maintenance of an occupational license for the nonconforming use shall not in and of itself be considered proof that the use has been in continuous operation.

(B) *Nonconforming use of a structure.* If for any reason the nonconforming use of a structure ceases or is discontinued for a period of six (6) months or more, the structure shall not thereafter be used for a nonconforming use. Maintenance of an occupational license for the nonconforming use shall not in and of itself be considered proof that the use has been in continuous operation.

(C) *Reconstruction.* If any nonconforming structure in which there is a nonconforming use is damaged by fire, flood, explosion, collapse, wind, war, other catastrophe, or demolition to such an extent that the cost of rebuilding, repair and reconstruction will exceed fifty-one percent (51%) of the current county tax-assessed value of the structure, it shall not be again used or reconstructed except in full conformity with the regulations of the district in which it is located.

1
2 **Section 030-060. Unlawful use not authorized.**
3

- 4 (A) Nothing in this Article shall be interpreted as authorization for, or approval
5 of, the continuation of the use of a structure or premises in violation of any
6 ordinance in effect at the time the use was initially begun at the premises.
7
8 (B) The casual, temporary or illegal use of land or a structure, or part thereof,
9 shall not be sufficient to establish the existence of a nonconforming use or
10 to create any vested rights in the continuance of such a use.
11

12
13 **Section 030-070. Nonconformity other than use.**
14

- 15 (A) *Nonconforming structures and improvements.* The foregoing provisions of
16 this Article are intended to apply only to nonconforming uses, and are not
17 intended to apply to conforming uses that occupy nonconforming structures
18 that may also have associated nonconforming plot improvements insofar as
19 height, yards, coverage, separation, or other similar dimensional
20 requirements, required lighting, amount of off-street parking, loading or
21 other development standards.
22
23 (B) *Additions, extensions or alterations.* Any additions, extensions or
24 alterations to such existing nonconforming structures shall comply with all
25 applicable provisions of this Code. In the event any nonconforming
26 structure is damaged or destroyed by fire, flood, explosion, collapse, wind,
27 war, other catastrophe, or demolition, such that the cost of repair or
28 replacement would exceed fifty-one percent (51%) of the current county
29 tax-assessed value of the structure, the structure and its associated on-site
30 improvements shall not be reconstructed unless the structure and its
31 associated on-site improvements will be in conformance with all
32 requirements of this Code, except that nonconforming single-family
33 dwelling units on residential plots inclusive of accessory pools, slabs and
34 structures over two hundred fifty (250) square feet permanently located on
35 slabs, may be reconstructed to the same dimensional requirements as the
36 original structure, provided the original foundation is to be utilized.
37
38 (C) *Discontinuance of use.* If the use of a nonconforming structure for a
39 conforming nonresidential use ceases for any reason for a period of six (6)
40 months or more, the structure shall not thereafter be occupied, unless the
41 structure and accessory plot improvements comply with all Code
42 requirements. Maintenance of an occupational license for the
43 nonconforming use shall not in and of itself be considered proof that the
44 use has been in continuous operation.

1
2 **Section 030-080. Nonconforming plots of record.**
3

- 4 (A) A nonconforming plot of record may be used for any use permitted by the
5 zoning district within which the plot is located, provided the plot complies
6 with all development standards except for required plot area and
7 dimensions and provided that specific uses required to have different plot
8 area or dimensional requirements than generally required for other uses
9 within the same zoning district shall not be permitted on a nonconforming
10 plot of record that does not comply with said plot area or dimensional
11 requirement(s) unless the Town grants a variance for the area or
12 dimensional requirement pursuant to the procedures and standards of
13 Article 135, "Variances."
14
15 (B) Residential plot vesting criteria are set forth in Sec. 045-070, "Minimum plot
16 size and dimension."
17

18 **ARTICLE 35. CONDITIONAL USES**
19

20
21 **Section 035-010. Purpose and intent.**
22

23 Certain uses may be harmonious under special conditions and in specific
24 locations within a zoning district, but may not be appropriate under the general
25 conditions of the zoning district regulations as stated. These uses are set forth in
26 this article subject to specific limitations intended to protect the health, safety,
27 and welfare, ensure compatibility with adjacent properties, contribute to the
28 community as a whole, comply with the policies and objectives of the Town of
29 Southwest Ranches Comprehensive Plan, and provide flexibility of design.
30

31
32 **Section 035-020. Compliance with conditions.**
33

34 The permitted conditional uses listed in this Article shall not be subject to waiver
35 of any provision of this article by the Town Council.
36

37
38 **Section 035-030. Home offices.**
39

40 *Home offices.* Home offices as defined in Article 10, "Definition of Terms" shall
41 be permitted in all residential zoning districts subject to the following limitations:
42

- 43 (A) Not more than ten percent (10%) of any dwelling unit may be used for a
44 home office.
45

- 1 (B) No merchandise or equipment related to the home office shall be stored at,
2 delivered to or dispensed from the dwelling unit, or from any accessory
3 structure on the property, except office equipment or supplies required for
4 daily office operations.
5
6 (C) Commercial vehicles associated with the home office in all residential
7 districts shall be subject to Section 045-030(C)(4), "Parking and storage."
8
9 (D) No sign or any other evidence of the existence of the home office shall be
10 visible from the exterior of the dwelling unit.
11
12 (E) A certificate of use from the Town and Occupational license from Broward
13 County shall be obtained for any home office.
14
15

16 **Section 035-040. Outdoor event permits.**
17

- 18 (A) Permits for certain outdoor events may be issued subject to compliance
19 with this Section. The following outdoor events may be permitted in the
20 zoning districts designated, provided that any other type of outdoor event
21 not listed is prohibited.:
22
23 (1) *Carnival or circus.* Commercial and industrial districts; CF District if
24 sponsored by non-profit organization; and, OSR District within Town
25 parks only.
26
27 (2) *Concerts, festivals.* Commercial and industrial districts, and OSR
28 District within Town Parks only.
29
30 (3) *Commercial promotions, shows, sales, and other similar outdoor*
31 *events.* Commercial and industrial districts.
32
33 (4) *Outdoor religious or place of worship related activities on same plot*
34 *occupied by a place of worship:* C F District.
35
36 (B) *Minimum site requirements.* All outdoor events shall require a minimum of
37 one net acre of open space with not less than two hundred (200) feet of
38 street frontage on a trafficway with a planned width of at least eighty (80)
39 feet.
40
41 (C) *Setbacks.* No activity, temporary tent, mechanical device, temporary
42 sanitary facility, or animal associated with any outdoor event shall be closer
43 than three hundred (300) feet from any residential plot, nor closer than one
44 hundred (100) feet from a street line.
45
46 (D) *Access.* Vehicular access onto any plot used for an outdoor event shall be
47 only from a public street as specified in Subsection (B), above.

- 1
2 (E) *Parking.* Off-street parking shall comply with requirements of Article 80,
3 "Off-Street Parking and Loading Requirements" insofar as the amount of
4 spaces required, minimum parking space size, and minimum aisle widths.
5 All parking spaces may be on an unpaved surface. Temporary barriers,
6 guides, signs, and other temporary markings shall be erected and placed
7 around and within the parking area to facilitate safe and efficient vehicular
8 traffic flow on site.
9
- 10 (F) *Lighting.* Temporary lighting used to illuminate the outdoor event after dusk
11 shall be designed and arranged to reflect away from adjacent properties
12 and away from any street, and shall comply with Article 95, "Outdoor
13 Lighting Standards."
14
- 15 (G) *Temporary structures, exhibits, and mechanical riding devices.* Temporary
16 structures, exhibits, and mechanical riding devices shall be permitted in
17 conjunction with outdoor events subject to permit and inspection
18 requirements of all applicable town, county and state agencies. No
19 temporary structure shall be used for living quarters. All such structures,
20 exhibits, and mechanical riding devices shall be removed from the
21 premises within seven (7) days after the conclusion of the event.
22
- 23 (H) *Signs.* One (1) temporary sign advertising the event may be erected on the
24 plot where the event will be held not more than fourteen (14) days prior to
25 the event. Such signs shall be no larger than twenty-four (24) square feet in
26 sign area and no higher than ten (10) feet above the ground, and shall
27 observe the site distance triangle requirement of Sec. 085-030, "Site
28 distance triangle." The sign shall be removed by the permit holder at the
29 conclusion of the outdoor event.
30
- 31 (I) *Frequency and duration.* No outdoor event shall be permitted for a period of
32 time exceeding seven (7) consecutive days. No more than two (2) of each
33 category of outdoor event permits shall be issued on any plot during a
34 calendar year. The total number of outdoor events within a calendar year
35 on any given property shall be limited to six (6). Hours of operation of any
36 event shall be limited to 9:00 a.m. to 10:00 p.m., Sunday through Thursday,
37 and 9:00 a.m. to midnight on Friday and Saturday.
38
- 39 (J) *Liability insurance.* Before any permit for an outdoor event is issued, the
40 applicant must provide a certificate showing proof of a public premises
41 liability and product liability insurance policy that provides coverage in the
42 amount of one million dollars (\$1,000,000.00). The policy must name the
43 Town as an additional insured and must be issued by an insurance
44 company authorized by the Florida Department of Insurance to do business
45 in the State of Florida. The policy must be approved by the Town Attorney
46 prior to issuance of any outdoor event permit.

1
2 (K) *Performance bond.* Before any permit for an outdoor event is issued, a
3 performance bond or similar security acceptable to the Town and naming
4 the Town as beneficiary in the sum of one thousand dollars (\$1,000.00),
5 shall be executed by the applicant, as principal, and a surety company
6 authorized to do business in the State of Florida and on the list of the
7 United States Treasury. Such security must be approved by the Town
8 Attorney, and shall be in effect for the duration of the outdoor event and for
9 six (6) months subsequent to the end of the event. The security shall be
10 released at the conclusion of the six (6) month time period upon submittal
11 of an affidavit from the applicant that all conditions of the security have
12 been met. The conditions of such security shall be that:

- 13
14 (1) The applicant shall comply fully with all the provisions of the Town of
15 Southwest Ranches Code of Ordinances and all applicable county,
16 state or federal laws regarding the sale of goods as permitted;
17
18 (2) The applicant will pay all judgments rendered against said applicant
19 for any violation of said laws; and
20
21 (3) The applicant will pay all judgments and costs that may be recovered
22 against said applicant by any persons for damage from any
23 misrepresentation or deceptive practice during the transacting of such
24 business.
25

26 (L) *Plans.* A plan, drawn to scale, shall be submitted to the Town Administrator
27 at the time of permit application indicating the following:
28

- 29 (1) Plot dimensions;
30
31 (2) Adjoining streets and points of access to the plot;
32
33 (3) Location of all activities and temporary structures and setbacks from
34 plot lines;
35
36 (4) Location and use of any permanent structures and uses existing on
37 the plot;
38
39 (5) Location and amount of existing off-street parking areas, proposed
40 temporary additional off-street parking areas and aisles, including
41 dimensions, location of traffic markings, and signs.
42

43 (M) *Permit applications.* A permit application shall be submitted to the Town
44 Administrator, at least thirty (30) days prior to the outdoor event. The permit
45 application shall include the following:
46

- (1) The name and address of the applicant;
- (2) The address and legal description of the plot where the event will be held;
- (3) The date or dates of the event;
- (4) The type of event and sponsor, if any;
- (5) The plan required by Subsection (L) above;
- (6) An executed performance bond as required in Sub-section (K) above;
- (7) Proof of insurance as required in Subsection (J) above;
- (8) Notarized authorization of all property owners of record or their authorized agent, for use of the property for the outdoor event;
- (9) A notarized affidavit of proof of posting the notice sign required by Subsection (Q) herein; and
- (10) The applicable processing and inspection fee, in accordance with the fee schedule in effect.

(N) *Agency reviews.* Prior to issuance of a permit for an outdoor event, the following entities, as deemed appropriate on a case-by-case basis, shall review and approve the event in accordance with applicable statutes, ordinances and codes:

- (1) Town Engineering Division;
- (2) Town Attorney;
- (3) Health Department (State of Florida) if approval is required;
- (4) Department of Agriculture (State of Florida) (if food service is to be provided) if approval is required;
- (5) Fire Marshal;
- (6) Building Official;
- (7) Broward County Sheriff's Office; and
- (8) Broward County Department of Planning and Environmental Protection.

(O) *Permit issuance.* If the application and plot are in compliance with this Section and any other applicable code, statute or ordinance, the Town Administrator, shall issue the permit upon payment by the applicant of a cleanup deposit in the amount of two hundred fifty dollars (\$250.00) to the Town to guarantee site restoration. The permit must be posted on the plot for the duration of the outdoor event.

(P) *Site restoration.* The permit holder shall be responsible for restoring the plot to its original condition within seven (7) days after the end of the outdoor event. Failure to restore the site to its original condition shall result in forfeiture of the cleanup deposit to the Town. The cleanup deposit shall be used for restoration of the location.

(Q) *Posting of notice.* The applicant must post a sign of sufficient size at least thirty (30) days prior to the beginning date of the outdoor event in a visible location on each street frontage to inform the public of the dates and nature of the outdoor event which will be held on the property.

(R) *Not-for-profit corporations holding events on their own property.*

(1) Not-for profit corporations which abut or are adjacent to agricultural, estate, and rural districts which hold outdoor events on their own property shall be subject to all of the requirements set forth above, except the requirements for obtaining a performance bond [Subsection (K)], a cleanup deposit [Subsection (O)] and posting of notice [Subsection (Q)]. However, the not-for-profit corporation shall be responsible for restoring the plot to its original condition within seven (7) days after the end of the outdoor event.

(2) Not-for-profit corporations that abut or are adjacent to residential plots and hold outdoor events on their own property shall be subject to the additional requirement that the property shall consist of a minimum of one (1) net acre of open space.

Section 035-050. Holiday wayside stands.

(A) Permits for holiday wayside stands may be issued for the following holidays for the maximum time periods specified:

<u>Holiday</u>	<u>Maximum Time Period</u>
Independence Day (July 4)	Ten (10) days preceding July 4
Halloween (October 31)	Thirty (30) days preceding October 31
Christmas (December 25)	Thirty (30) days preceding December 25

- 1
2 (B) An application, signed by the applicant, for a holiday wayside stand permit
3 shall be filed with the Town Administrator at least thirty (30) days prior to
4 commencement of the sales period for Halloween and Christmas and at
5 least sixty (60) days prior to commencement of the sales period for
6 Independence Day. The application shall contain the following:
7
8 (1) The notarized signature of the applicant;
9
10 (2) The names and permanent addresses of all persons responsible for
11 the management or supervision of the holiday wayside stand; the local
12 address of such person or persons while engaged in such business;
13 the capacity in which such person will act (that is, whether as
14 proprietor, agent or otherwise);
15
16 (3) The name and address of the person, firm or corporation for whose
17 account the business will be conducted, if any; and if a corporation,
18 under the laws of that state in which it is incorporated and the name
19 and address of its registered agent in the State of Florida; and the
20 federal employer's identification number (EIN) or social security
21 number of the business owner;
22
23 (4) The exact address and legal description of the property where the
24 holiday wayside stand will be located;
25
26 (5) Proof of a State of Florida sales tax number;
27
28 (6) For vendors of pyrotechnical items who are required to register with
29 the Division of the State Fire Marshal of the Department of Insurance
30 under Chapter 791, Florida Statutes, proof of a completed registration
31 form. Proof of actual registration shall be submitted prior to permit
32 issuance;
33
34 (7) Written, notarized permission from all owners of record of the
35 property, or authorized agent of the owner, where the holiday wayside
36 stand will be located;
37
38 (8) Proof of a public premises liability insurance policy that provides
39 coverage in the amount of one million dollars (\$1,000,000.00) at each
40 sales location, naming the Town as an additional insured, and is
41 issued by an insurance company authorized by the Florida
42 Department of Insurance to do business in the State of Florida. The
43 policy must be approved by the Town Attorney;
44
45 (9) A performance bond or similar security acceptable to the Town
46 naming the Town as beneficiary in the sum of one thousand dollars

1 (\$1,000.00) executed by the applicant, as principal, and a surety
2 company authorized to do business in the State of Florida and on the
3 list of the United States Treasury. Such security shall be approved by
4 the Town Attorney, and shall be in effect for the duration of the sales
5 period and for six (6) months subsequent to the end of the sales
6 period. The security shall be released at the conclusion of the six (6)
7 month time period upon submittal of an affidavit from the applicant that
8 all conditions of the security have been met. The conditions of such
9 security shall be that:

- 10
- 11 a. The applicant shall comply fully with all the provisions of the
12 Town of Southwest Ranches Code of Ordinances and all
13 applicable county, state, or federal laws regarding the sale of
14 goods as permitted;
15
- 16 b. The applicant will pay all judgments rendered against said
17 applicant for any violation of said laws; and
18
- 19 c. The applicant will pay all judgments and costs that may be
20 recovered against the applicant by any persons for damage from
21 any misrepresentation or deceptive practice during the
22 transacting of such business.

23

24 (10) *Not-for-profit corporations having holiday wayside stands on their own*
25 *property.* Not-for-profit corporations which have holiday wayside
26 stands on their own property, for other than the sale of pyrotechnical
27 items, shall not be subject to the requirements for obtaining a
28 performance bond and a cleanup deposit. However, the not-for-profit
29 corporation shall be responsible for restoring the plot to its original
30 condition within seven (7) days after the end of the sales period for the
31 holiday wayside stand.

32

33 (C) *Number of permits.* No permittee shall be issued more than two permits per
34 event. For the purpose of this Subsection, permittee shall be deemed the
35 same if any one principal in the legal entity under which the permittee is
36 operating is identical regardless of the structure of the legal entity. At any
37 given location permitted under this section, there shall be a maximum of
38 one (1) holiday wayside stand. Each individual sales location shall require a
39 separate permit.

40

41 (D) *Permitted locations:* Locations for sales of merchandise permitted under
42 this section are subject to the following restrictions:

- 43
- 44 (1) Pyrotechnical items may only be sold at locations within a commercial
45 or industrial zoning district. Such sales shall not be permitted in areas
46 located within fifty (50) feet of:

- a. Any fuel storage facility of any kind; and
 - b. Any area required to provide parking in connection with a restaurant or lounge.
- (2) Pyrotechnical items may be sold only if each sales location has been approved by the Fire Marshal.
 - (3) Halloween and Christmas items may be sold at locations within a commercial or industrial zoning district, as well as from any property owned by a nonprofit organization, provided the nonprofit organization is conducting the holiday wayside stand operations for charitable or fund-raising purposes and the purpose is specifically indicated on the permit application.
 - (4) There shall be a minimum of one thousand five hundred (1,500) feet between any two (2) locations permitted under this section. For purposes of determining which permit application of two (2) or more applications proposing sites within one thousand five hundred (1,500) feet of one another shall be approved, the date and time each completed application is accepted for processing shall determine the priority.

(E) *Conditions of permits.*

- (1) A permittee must, at the time the permit is issued, pay to the Town a cleanup deposit fee of two hundred fifty dollars (\$250.00). The deposit will be returned if the permittee restores the permitted location to its original presale condition within one (1) week subsequent to the end of the sales period. Otherwise, the deposit will be retained by the Town and used to restore the location.
- (2) The permit issued pursuant to this section shall be posted conspicuously at the sales location.
- (3) No permit for the sale of pyrotechnical items may be issued unless such items may be lawfully sold pursuant to Chapter 791, Florida Statutes.
- (4) One (1) temporary structure for overnight storage of merchandise shall be permitted at each sales location, subject to compliance with all applicable codes and permit requirements. No temporary structure shall be used for temporary living quarters. Temporary storage structures shall be removed not more than one (1) week after the end of the sales period.

- 1
2 (F) *Signs.* One (1) four-by-eight (4 x 8) foot sign on each side of the plot
3 abutting a public street shall be permitted in connection with an approved
4 holiday wayside stand during the sales period. Such signs shall comply
5 with all applicable codes, including permitting requirements.
6
7

8 **Section 035-060. Yard sales.**
9

10 On any plot used for residential purposes, aside from Town's annual yard sale
11 event, two (2) yard sales may be held in a calendar year by the residents of the
12 plot to sell their personal belongings to the public. Each yard sale may be for a
13 maximum of three (3) consecutive days.

14 Signs may not exceed two (2) square feet in size and shall be exempt from
15 permit requirements. The signs may not be displayed more than one (1) day
16 prior to the yard sale. Signs must be removed at the end of the yard sale.
17
18

19 **Section 035-070. Exhibition of Class I and Class II Wildlife.**

20 Individuals providing care and permanent habitat for Class I and Class II Wildlife
21 that have been abused, neglected or otherwise need sanctuary may request a
22 license from the Town to allow limited exhibition of said wildlife, subject to the
23 provisions of this section. The Town will establish a one-time application fee for
24 licensure to cover the cost of processing the application.

- 25 (A) For purposes of this section only, exhibition of wildlife shall be defined as a
26 public or private showing of Class I and Class II wildlife for financial or other
27 consideration.

- 28 (B) For purposes of this section, Class I and Class II wildlife are defined
29 pursuant to F.S. Section 372.922, as may be amended from time to time.

- 30 (C) The property on which the animals are kept (hereinafter called, "the
31 property") shall have a minimum plot size of five (5) net acres and a
32 minimum plot width of two hundred fifty (250) feet and must conform with
33 all of the minimum requirements established in the Florida Administrative
34 Code.

- 35 (D) The property shall be located on a collector or arterial roadway where all
36 abutting properties at the time of application are zoned RR, A-1 or A-2 and
37 average at least two (2) net acres in area.

- 38 (E) No wildlife exhibition license may be issued for a location that is within one
39 (1) mile of another licensed wild animal habitat.

- 40 (F) The owner of the animals must hold a USDA, Animal Welfare Act, Class C
41 Exhibitor License and a Florida Fish and Game Conservation Commission

- 1 Class I or II (as applicable) License, and must live on the property on a
2 permanent basis.
- 3 (G) The owner of the animals shall maintain 501(C)(3) non-profit status for the
4 specific purpose of caring and providing habitat for the wild animals.
- 5 (H) A six (6) foot-high barrier shall be erected along the entire perimeter of the
6 property, consisting of chain link, iron, masonry, or other comparable
7 material sufficient to prevent unauthorized access to the property. The
8 property shall be fully screened along all property lines to a height of six (6)
9 feet through the use of landscape materials or a masonry wall.
- 10 (I) Signage is not permitted.
- 11 (J) Public premises liability coverage in the amount of one million dollars
12 (\$1,000,000) shall be maintained at all times. The policy must name the
13 Town as an additional insured and must be issued by an insurance
14 company authorized by the Florida Department of Insurance to do business
15 in the State of Florida. The Town Attorney must approve the policy.
- 16 (K) The number of wild animals on the property shall be limited to three (3) per
17 net acre.
- 18 (L) At no time shall the property be unattended and without the presence of
19 someone licensed to handle wild animals, or with at least six (6) months
20 experience working under the jurisdiction of the licensee's Federal and
21 State licenses when the owner of the animal(s) is away from the premises.
- 22 (M) All parking shall be accommodated on-site, and shall be screened from
23 view along all property lines adjoining any private or public street, or
24 residential plot. Parking areas shall be set back at least fifty (50) feet from
25 any residential plot line. Parking areas need not be paved.
- 26 (N) Public admission shall be by appointment only, and shall be limited to forty
27 (40) people on the property at any given time, except that groups from
28 educational institutions arriving by bus shall be limited to one hundred (100)
29 people, and that special events with attendance greater than that provided
30 for herein may be held up to twelve (12) times per year, provided the
31 owner notifies the Town Clerk's Office in writing at least five (5) days prior
32 to the event. The notification shall state the date and time, nature of the
33 event, and maximum number of people expected.
- 34 (O) Noise levels resulting from public admission, not including noises made by
35 the wild animals, shall not exceed the limits set by the Noise Control
36 Ordinance for single-family residential areas, as measured from any
37 abutting residential plot.
- 38 (P) Upon determination that an application for an exhibition of Class I and
39 Class II wildlife license satisfies the criteria of this section, the Town shall

notice property owners within seven hundred fifty (750) feet of the subject property, by certified mail, that an application for a wild animal habitat license will be administratively approved and issued ten (10) days from the mailing date indicated on the notice, unless a written objection is received by the Town Clerk within the ten (10) day period.

(Q) Upon satisfying all of the conditions for licensure, a license under this section shall be issued administratively unless the Town receives written objection from a noticed property owner within the ten (10) day response period. In the case of a timely objection, the application for licensure shall be scheduled for the next available Town Council agenda as an advertised public hearing. After hearing the testimony of affected property owners, the Town Council may approve, approve with conditions, or deny the application for licensure based upon consideration of the following criteria:

- (1) That the use is compatible with the existing natural environment and other properties in the vicinity;
- (2) That there will be adequate provision for safe traffic movement, both vehicular and pedestrian, in the area which will serve the use;
- (3) That there are adequate setbacks, buffering, and general amenities in order to control any adverse effects of noise, light, dust and other potential nuisances; and,
- (4) That the land area is sufficient, appropriate and adequate for the use as proposed.

Conditions placed upon the license by Town Council may supplement the requirements of this section contained in provisions (A) through (N).

(R) Licenses are valid only to the person named on the license and shall not be transferable.

(S) Upon a second violation of any one (1) or more provisions of this Section within a twenty-four (24) month period, as determined pursuant to the Town's code enforcement procedures, the Town shall notify the licensee, by certified mail, of its intent to revoke the license. The licensee or designee may initiate an appeal of the revocation by filing written notice of intent to appeal with the Town Clerk's Office no later than fifteen (15) days from receipt of the Town's notice of intent to revoke the license. The license will be administratively revoked should the licensee not file an appeal within the allotted time. The Town Clerk shall schedule the appeal for the next available Town Council meeting. In determining the existence of extenuating factors contributing to the code violation(s), Council may uphold the revocation or continue the license with any conditions Council may deem appropriate to protect the public health, safety and welfare.

- 1 (T) Nothing within this section shall be construed to prevent the Town Council
2 from revoking the license at any time, provided that after conducting an
3 advertised public hearing on the matter, a supermajority of councilmembers
4 make a determination that the licensed activity no longer satisfies the
5 criteria for licensure set forth in provision (16). The Council shall provide
6 the licensee with notice of their intent to revoke the license by certified mail.
7 The notification shall state the date, time and place of the public hearing.
8
9

10 **ARTICLE 40. TELECOMMUNICATION TOWERS AND ANTENNAS.**
11
12

13 **Section 040-010. Purpose and intent.**
14

15 The regulations and requirements of this Section are intended to:
16

- 17 (A) Promote the health, safety and general welfare of the citizens by regulating
18 the siting of telecommunications towers and antennas within the Town; and
19 ensure compliance with all applicable federal statutory requirements;
20
21 (B) Provide for the appropriate location and development of
22 telecommunications towers and antennas within the Town;
23
24 (C) Minimize adverse visual effects of telecommunications towers and
25 antennas through careful design, siting, landscaping screening and
26 innovative camouflaging techniques;
27
28 (D) Avoid potential damage to adjacent properties from tower failure through
29 engineering and careful siting of tower structures; and
30
31 (E) Protect residential areas and land uses from potential adverse impacts of
32 telecommunication towers and antennas by maximizing use of any new or
33 existing telecommunications towers through shared use, i.e., co-location,
34 and combining to reduce the number of towers needed.
35
36

37 **Section 040-020. Definitions.**
38

39 The following words, terms and phrases, when used in this Section, shall have
40 the meaning ascribed to them in this Section, except where the context clearly
41 indicates a different meaning:
42

43 *Accessory use.* A use incidental to, subordinate to, and subservient to the main
44 use of the property. As defined in this Section an accessory use is a
45 secondary use.
46

47 *Antenna.* A transmitting and/or receiving device and/or relays used for wireless
48 services that radiates or captures electromagnetic waves, including
49 directional antennas, such as panel and microwave dish antennas, and
50 omni-directional antennas, such as whips, excluding radar antennas,
51 amateur radio antennas and satellite earth stations.

1
2 *Antenna support structure.* Any building or structure, other than a tower, that
3 can be used for location of telecommunications facilities.
4

5 *Combined antenna.* An antenna or an array of antennas designed and utilized to
6 provide services for more than one carrier.
7

8 *Extraordinary conditions.* Subsequent to a hurricane, flood, or other natural
9 hazard or subsequent to a defective finding on a previous inspection.
10

11 *Guyed tower.* A telecommunications tower that is supported, in whole or in part,
12 by guy wires and ground anchors.
13

14 *Master Microcell facility.* A telecommunications facility consisting of an antenna
15 (as defined above) and related equipment which is located either on a
16 telecommunications tower or affixed to a structure in some fashion for the
17 provision of wireless services.
18

19 *Microwave dish antenna.* A dish-like antenna used to link wireless service sites
20 together by wireless transmission of voice or data.
21

22 *Monopole tower.* A telecommunications tower consisting of a single pole or spire
23 self-supported by a permanent foundation, constructed without guy wires
24 and ground anchors.
25

26 *Panel antenna.* An array of antennas designed to concentrate a radio signal in a
27 particular area.
28

29 *Roofline.* The overall ridge line of the structure which does not include cupolas,
30 elevator towers, clock towers or other features that are permitted to exceed
31 the maximum height of the structure.
32

33 *Self-support lattice tower.* A tapered structure broad at the base and more
34 narrow at the top consisting of cross-members and diagonal bracing and
35 without guyed support.
36

37 *Stealth facility.* Any telecommunications facility which is designed to blend into
38 the surrounding environment. Examples of stealth facilities include
39 architecturally screened roof mounted antennas, antennas integrated into
40 architectural elements, and telecommunication and/or wireless services
41 towers designed to look like light poles, flag poles, power poles, trees or
42 other similar structures.
43

44 *Stealth/camouflaged monopole.* A telecommunication tower consisting of a
45 single pole or spire self-supported by a permanent foundation, constructed
46 without guy wires and ground anchors and designed to blend into the
47 surrounding environment. Examples of stealth/camouflaged monopole
48 towers telecommunication and/or wireless services towers designed to look
49 like light poles, flag poles, power poles or trees.
50

1 *Telecommunication facility.* A combination of equipment which is located either
2 upon a telecommunication tower or a structure which includes some form
3 of antenna for the purpose of transmitting and receiving wireless services.
4

5 *Telecommunications tower.* A stealth/camouflaged monopole, monopole, self-
6 support/lattice, or guyed tower, constructed as a free-standing structure,
7 containing one (1) or more antennas, used in the provision of wireless
8 services, excluding radar towers, amateur radio support structures licensed
9 by the FCC, private home use of satellite dishes and television antennas
10 and satellite earth stations installed in accordance with applicable needs.
11

12 *Whip antenna.* A cylindrical antenna that transmits and/or receives signals in
13 three hundred sixty (360) degrees.
14

15
16 **Section 040-030. Telecommunication tower siting in certain zoning**
17 **districts.**
18

19 Freestanding telecommunication towers shall be located in the following order of
20 hierarchy:
21

22 (A) Town owned property
23

24 (B) M, Manufacturing District
25

26 (C) CB, Community Business District
27

28 Town owned property shall take preference over privately owned property. If the
29 proposed site is other than Town owned property, the applicant shall provide an
30 affidavit stating that there is a demonstrated need for the placement of the
31 facility at that location and that there is not a technically suitable location
32 available to accommodate the need.
33

34 (A) Freestanding telecommunications towers shall be deemed a permitted use
35 on any Town owned property in accordance with an executed lease
36 agreement acceptable to the Town. The Town shall have no obligation
37 whatsoever to execute such lease even if the applicant can meet the
38 criteria set forth herein.
39

40 The Town may, as appropriate, to protect its property and the public
41 interest establish additional requirements beyond the minimum
42 requirements of a permit for Town owned property. Setback and distance
43 requirements in the Town Code may be, modified to the extent necessary
44 to provide for the public interest as determined by the Town Council. This
45 provision further does not preclude the Town from issuing a letter of
46 interest for the purposes of leasing sites on designated Town property for
47 the construction and installation of telecommunications facilities. For
48 designated Town owned property, the Town will encourage the installation
49 of telecommunications facilities which have a minimal impact on the

surrounding areas and are consistent with the development of the affected area.

(B) Telecommunications towers shall be deemed a permitted use in the M District subject to the applicant showing that it has met the requirements of the minimum standards for development of towers as specified in this ordinance and subject to site plan review by the Town Administrator or a designee with final approval by the Town Council.

(C) Telecommunications towers shall be deemed a conditional use within the CB District.

Each conditional use pursuant to paragraph (c) above shall be reviewed by the Town Administrator to determine if said conditional use is appropriate in the area where same is to be placed, based upon the criteria set forth herein, and approval is subject to review by the Town Administrator or a designee with final approval by the Town Council.

(D) Towers as part of existing utility poles shall be permitted as a conditional use pursuant to paragraph (c) in the Florida Power & Light Easement, use for major electric transmission. No freestanding towers constructed exclusively for wireless service shall be permitted other than as provided in paragraphs (a), (b), and (c). No additional rights other than provided herein shall be deemed created by this designation.

(E) *Prohibitions.* The location of a new telecommunications tower on a property other than those specified on (a), (b), (c) or (d) shall be prohibited.

(F) *Time limit on project completion.* Once a telecommunications tower is approved by the Town a building permit application shall be submitted within six (6) months.

Section 040-040. Minimum standards for development of towers.

All telecommunications towers must meet the following minimum standards:

(A) *Tower types.* To minimize adverse visual impacts, tower types shall be selected based upon the following hierarchy:

- (1) Stealth/camouflaged monopole
- (2) Monopole
- (3) Self-support/lattice tower

The applicant shall be required to demonstrate, in a technical manner acceptable to the Town Council why each choice in the hierarchy cannot be used for the particular application in order to justify the selection of a tower type lower in the hierarchy.

(B) Guyed towers shall not be permitted.

1 (C) Prior to the issuance of a building, electrical, engineering or a construction
2 permit, a site development plan shall be presented to the Town Council. If,
3 however, the proposed tower is located on Town property, since the lease
4 agreement will be reviewed by the Town Council prior to the submittal of a
5 site development plan application, prior to the issuance of a building,
6 electrical, engineering or a construction permit, a site development plan
7 shall be presented to the Town Administrator. Each application for a
8 proposed telecommunications tower shall include all requirements for site
9 development plan approval as required in other Sections of the Town
10 Code. To help ensure compatibility with surrounding land uses, each
11 application for a proposed communication tower shall include the following
12 information:
13

- 14 (1) The exact location of the proposed tower location on a Town of
15 Southwest Ranches Official Zoning Map;
16
- 17 (2) The maximum height of the tower;
18
- 19 (3) The location of the proposed tower, placed upon an aerial photograph
20 possessing a scale of not more than one (1) inch equals three
21 hundred (300) feet, indicating all adjacent land uses within a radius of
22 three thousand (3,000) feet from a property line of the proposed tower
23 location site;
24
- 25 (4) The names, addresses and telephone numbers of all owners of other
26 towers or antenna support structures within the search area of the
27 proposed new tower site, including Town owned property;
28
- 29 (5) Written documentation that the applicant made diligent but
30 unsuccessful efforts for permission to install or co-locate the
31 applicant's telecommunications facilities on all Town owned towers or
32 antenna support structures located within the search area of the
33 proposed tower site;
34
- 35 (6) Written documentation that the applicant made diligent but
36 unsuccessful efforts for permission to install or co-locate the
37 applicant's telecommunications facilities on all towers or antenna
38 support structures owned by other persons located within the search
39 area of the proposed tower site;
40
- 41 (7) A delineation of the search area needed for the coverage or capacity;
42
- 43 (8) A line of sight analysis which shall include the following information:
44
 - 45 a. An identification of significant existing natural and man-made
46 features adjacent to the proposed tower location, to indicate
47 those features that will provide buffering for adjacent properties
48 and public rights-of-way;
49
 - 50 b. A statement as to the potential visual and aesthetic impacts of
51 the proposed tower on all adjacent residential zoning districts;
52
 - 53 c. An identification of specific points, measured two thousand
54 (2,000) feet north of the proposed tower, two thousand (2,000)

1 feet south of the proposed tower, and two thousand (2000) feet
2 east and west of the proposed tower from which the line of sight
3 analysis is presented or the closest accessible public property
4 from each of the above delineated points;
5

- 6 d. A graphic illustration of the visual impact of the proposed tower,
7 at a scale that does not exceed five (5) degrees of horizontal
8 distance, presented from specific points identified within the line
9 of sight analysis;
10

- 11 (9) A report shall be submitted, prepared by a licensed professional
12 engineer, which describes the tower height and design, including a
13 cross-section of the structure; through rational engineering analysis
14 demonstrates the tower's compliance with applicable standards as
15 set forth in the Florida Building Code, latest Broward County Edition;
16 and describes the tower's capacity, including number and type of
17 antennas and dishes it can accommodate;
18

- 19 (10) Proof of adequate insurance coverage acceptable by the Town for
20 any potential damage caused by the tower. Thirty (30) days' notice of
21 cancellation of insurance to the Town is required.
22

- 23 (11) Such other additional information as may be reasonably required by
24 Town staff to fully review and evaluate the potential impact of the
25 proposed tower, including: (i) the existing cell sites (latitude, longi-
26 tude, power levels) to which this proposed site will be a handoff
27 candidate, (ii) an RF plot indicating the coverage of existing sites, and
28 that of the proposed site (iii) antenna heights and power levels of pro-
29 posed site, (iv) A written affidavit stating why the proposed site is
30 necessary for their communications service (e.g., for coverage,
31 capacity, hole-filling, etc.) and a statement that there are no existing
32 alternative sites within the provided search area, and there are no
33 alternative technologies available which could provide the proposed
34 service enhancement without the tower. Town staff may utilize the
35 services of a registered professional engineer or a radio frequency
36 engineer who has at least a four year engineering degree to confirm
37 the statements made above. The cost of same shall be borne by the
38 applicant.
39

- 40 (D) No new tower shall be built, constructed or erected in the Town unless
41 such tower is capable of accommodating, at a future date, additional
42 telecommunications facilities owned by other persons and the tower
43 owners agree to comply with Section 040-140, "Existing towers." All new
44 towers shall be designed and built to accommodate multiple users; at a
45 minimum, stealth/camouflaged monopole and monopole towers shall be
46 able to accommodate three (3) users and at a minimum,
47 self-support/lattice towers shall be able to accommodate four (4) users.
48 As wireless technology advances, applicants may be required to
49 construct facilities utilizing advancing technologies including, but not
50 limited to combined antennas when determined necessary for health,
51 safety, welfare aesthetics, and compatible with providers technical,
52 capacity and coverage requirements. The applicant shall state in any

1 application for permit that it will, as a condition of issuance of the permit,
2 accommodate antenna facilities of other providers, on a nondiscriminatory
3 basis on terms which are reasonable in the industry unless the applicant
4 can affirmatively demonstrate, based on verifiable objective data, why it
5 cannot do so. Refusal to continually comply with this obligation shall be a
6 violation of this ordinance and shall be grounds for revoking applicant's
7 permit.
8

9 (E) *Non-interference.* Each applicant to allow construction of a
10 telecommunications tower shall include a certified statement, prepared by a
11 radio frequency (RF) engineer who has at least a four year engineering
12 degree or a licensed professional engineer, that the construction and
13 placement of the tower, will not unnecessarily interfere with public safety
14 communications and the usual customary transmission or reception of
15 radio and television service enjoyed by adjacent residential and
16 nonresidential properties. A statement shall be prepared by a radio
17 frequency (RF) licensed professional engineer or a radio frequency
18 engineer who has at least a four year engineering degree, identifying any
19 interference that may result from the proposed construction and placement.
20

21 (F) *Access.* A parcel of land upon which a tower is located must provide
22 access during normal business hours to at least one (1) paved vehicular
23 parking space adjacent to each tower location.
24

25 (G) Each application for a telecommunications tower may be required to
26 include a statement that there is no objection from other federal or state
27 agencies that may regulate telecommunications tower siting, design and
28 construction. All proposed telecommunication towers shall comply with
29 current radio frequency emissions standards of the Federal
30 Communications Commission, or other legally regulating body.
31

32 (H) Requirements in this Section may be waived where it is determined that
33 based upon site, location or facility, such waiver is in the best interest of the
34 health, safety, welfare or aesthetics of the Town and in the best interest of
35 telecommunication service to the community. Such waiver shall require
36 four affirmative votes of the Town Council.
37

38 (I) *Notice of public notification.* Notice of an application for a
39 telecommunications tower shall be set via certified mail to all property
40 owners within a fifteen hundred (1,500) foot radius of the affected property.
41 The applicant shall provide the notification mailing labels and shall pay the
42 Town's costs for the preparation of the notification letters and the mailing
43 as well as the cost of the certified mailing.
44
45

46 **Section 040-050. Height/setbacks and related location requirements.**

47

48 (A) The height of a telecommunication tower shall not exceed one hundred fifty
49 (150) feet not including non-structural lightning rods and required safety
50 lightning. Tower height shall be measured from the crown of the road of the
51 nearest public street.

- 1
2 (B) Telecommunication towers shall at a minimum conform with the setback
3 established for the underlying zoning district.
4
5 (C) Stealth/camouflaged monopole, monopole, or self-support/lattice
6 telecommunication towers shall not be permitted in proximity to any
7 residential zoned parcel that is within four times (4x) the height of the
8 tower. By way of illustration, if the Tower is one hundred fifty (150) feet, it
9 must be at least six hundred (600) feet from any residential plot.
10
11 (D) All buildings and other structures to be located on the same property as a
12 telecommunications tower shall conform with the setbacks established for
13 the underlying zoning district.
14
15 (E) *Waiver.* This provision may be waived where it is determined that based
16 upon site, location or facility, such waiver is in the best interest of the
17 health, safety, welfare or aesthetics of the Town or compliance with other
18 regulations, and in the best interest of telecommunication service to the
19 community. Any waiver shall require four affirmative votes of the Town
20 Council.
21
22

23 **Section 040-060. Buffering.**
24

- 25 (A) An eight (8) foot high fence or wall, as measured from the finished grade of
26 the site, shall be required around the tower and any accessory buildings or
27 structures. In no case will barbed wire or razor wire fencing be permitted.
28 Access to the tower shall be through a locked gate.
29
30 (B) Landscaping, consistent with the requirements of Sec. 075-070,
31 "Nonresidential perimeter and vehicular use area landscape requirements"
32 shall be installed around the entire outside perimeter of any fence or wall.
33 Additional landscaping may be required around the perimeter of a fence or
34 wall and around any or all anchors or supports if deemed necessary to
35 buffer in order to enhance compatibility with adjacent residential and
36 nonresidential land uses.
37
38 (C) Landscaping consistent with said Sec. 075-070 shall be installed around
39 any accessory buildings or structures.
40

1
2 **Section 040-070. High voltage, “No Trespassing” and other warning signs.**
3

- 4 (A) If high voltage is necessary for the operation of the telecommunications
5 tower or any accessory structures, “HIGH VOLTAGE-DANGER” warning
6 signs shall be permanently attached to the fence or wall and shall be
7 placed no more than forty (40) feet apart.
8
9 (B) “NO TRESPASSING” warning signs shall be permanently attached to the
10 fence or wall and shall be spaced no more than forty (40) feet apart.
11
12 (C) The letter for the “HIGH VOLTAGE-DANGER” and “NO TRESPASSING”
13 warning signs shall be at least six (6) inches in height. The two (2) warning
14 signs may be combined into one (1) sign. The warning signs shall be
15 installed at least five (5) feet above the finished grade of the fence.
16
17 (D) The warning signs may be attached to freestanding poles if the content of
18 the signs may be obstructed by landscaping.
19
20 (E) Signs noting Federal Registration (if required) shall be attached to the
21 tower structure in compliance with federal regulation.
22
23

24 **Section 040-080. Equipment storage.**
25

26 Mobile or immobile equipment not used in direct support of a
27 telecommunications facility shall not be stored or parked on the site of the
28 telecommunications facility, unless repairs to the facility are being made.
29 Portable emergency generators may be temporarily located at a
30 telecommunications facility in the event of a power outage but must be removed
31 upon resumption of power. Portable “crank-up” or otherwise mobile
32 telecommunications facilities may not be located at a telecommunications
33 facility. Nothing in this Section shall preclude the placement of a permanent
34 generator onsite provided that the generator meets the criteria set forth in the
35 Town Code and is in compliance with the Florida Building Code, latest Broward
36 County Edition.
37
38

39 **Section 040-090. Removal of abandoned or unused facilities.**
40

41 All abandoned or unused telecommunications tower facilities shall be removed
42 by the tower owner/operator within ninety (90) days of the cessation of use. A
43 tower shall be considered abandoned if use has been discontinued for one
44 hundred eighty (180) consecutive days. Telecommunications towers being
45 utilized for other purposes, including but not limited to light standards and power
46 poles, may be exempt from this provision where superseded by the
47 requirements of other county, state or federal regulatory agencies.
48

1
2 **Section 040-100. Signs and advertising.**
3

4 The use of any portion of a tower for signs or advertising purposes, including but
5 not limited to a company name, banners, streamers, religious icons etc., shall be
6 strictly prohibited.
7

8
9 **Section 040-110. Accessory buildings or structures.**
10

11 All accessory buildings or structures shall meet all building design standards as
12 listed in the Town Code and in accordance with the provisions of the Florida
13 Building Code, latest Broward County Edition. All accessory buildings or
14 structures shall require a building permit.
15

16 Accessory structures shall be designed to resemble the basic design of the
17 principal use or be designed to resemble the neighborhood's basic building
18 design. In no case will metal exteriors be allowed for accessory buildings or
19 structures.
20

21
22 **Section 040-120. Colors.**
23

24 Except where superseded by the requirements of other county, state, or federal
25 regulatory agencies possessing jurisdiction over telecommunications towers,
26 telecommunications towers shall be painted or constructed in neutral colors,
27 designed to blend into the surrounding environment such as non-contrasting
28 gray.
29

30
31 **Section 040-130. Inspection report required.**
32

33 (A) Telecommunication tower owners shall submit a report to the Town
34 Administrator certifying structural and electrical integrity on the following
35 schedule:
36

37 (1) Stealth/camouflaged monopole towers-Once every two (2) years;

38 (2) Monopole towers-Once every two (2) years;

39 (3) Self-support/lattice towers-Once every two (2) years; and
40

41
42 (B) Inspections shall be conducted by an engineer licensed to practice in the
43 State of Florida. The results of such inspections shall be provided to the
44 Town Administrator. Based upon the results of an inspection, the Town
45 Administrator may require repair or removal of a telecommunication tower.
46

47 (C) The Town may conduct periodic inspections with the cost of such
48 inspection paid by the tower owner of the telecommunications tower(s) to
49 ensure structural and electrical integrity. The owner of the
50 telecommunication tower may be required by the Town to have more
51
52

1 frequent inspections if there is evidence that the tower has a safety
2 problem or is exposed to extraordinary conditions.
3
4

5 **Section 040-140. Existing towers.**
6

7 (A) All telecommunications towers existing on May, 10 2001, (the effective date
8 of this ordinance) which do not meet the requirements of this ordinance
9 shall be considered legally nonconforming under this Section and allowed
10 to continue their legal usage as they presently exist, with the exception of
11 Federal regulations relating to the health and safety of exposure levels as
12 defined by the Occupational Safety and Health Act as amended and radio
13 frequency (RF) exposure levels as defined by Federal Communications
14 Commission regulations. Any modification of a legal nonconforming tower
15 must be submitted for review as required herein for modifications, however,
16 approval shall be granted by the Town Council. New construction other
17 than routine maintenance on an existing telecommunications tower shall
18 comply with the requirements of this Section.
19

20 (B) Notwithstanding the above provisions of this Section, telecommunications
21 antennas may be placed on existing towers with sufficient loading capacity
22 after approval by the Town Administrator. The capacity shall be certified by
23 an engineer licensed to practice in the State of Florida.
24

25 (C) Any owner of land upon whose parcel of land a tower is located, which
26 contains additional capacity for installation or co-location of
27 telecommunications facilities, shall allow other persons to install or
28 co-locate telecommunications facilities on such a tower subject to
29 reasonable terms and conditions negotiated between the parties and
30 subject to the terms of the original tower agreement.
31

32 (D) An existing tower may be modified to accommodate co-location of
33 additional telecommunications facilities as follows:
34

35 (1) Application for a development permit shall be made to the Town
36 Administrator who shall have the authority to issue a development
37 permit without further approval by the Town Council.
38

39 (2) The total height of the modified tower and telecommunications
40 facilities attached thereto shall not exceed the pre-modification height
41 approved for that location.
42

43 (3) A tower that is being rebuilt to accommodate the co-location of
44 additional telecommunications facilities may be moved on site subject
45 to the setback requirements of the zoning district where the tower is
46 located.
47

48 (4) Additional antennas, communication dishes and similar receiving or
49 transmission devices proposed for attachment to an existing
50 telecommunications tower, shall require review of the Town Council.
51 The application for approval to install additional antennas shall include
52 certification from an engineer registered in Florida indicating that the

1 additional device installed will not adversely affect the structural
2 integrity of the tower. A visual impact analysis shall be included as
3 part of the application for approval to install one (1) or more additional
4 devices to an existing tower. However, addition of up to two antennas
5 per sector, of similar profile to those existing on an existing antenna
6 sectorized "platform", shall not require review of the Town Council.
7 Applicants must still demonstrate the structural integrity of the tower
8 with the additional antennas to the Town prior to construction.
9

10
11 **Section 040-150. Permit fees, application and inspection fees required.**
12

- 13 (A) *Permit required.* Construction without Town permit is prohibited. No
14 construction shall be started until a permit to construct has been granted by
15 the Town Administrator. At the time of filing the construction drawings and
16 documents referred to herein, the developer or owner or applicant as the
17 case may be shall provide a detailed cost analysis of the cost of
18 construction of the telecommunications facilities covered by this Section.
19 The applicant, developer, or owner as the case may be shall pay the Town
20 permit fees in accordance with the Schedule of permit fees, of the Town
21 Code.
22
- 23 (B) *Application fee required.* A filing fee in an amount necessary to cover the
24 costs for the processing of the application shall be submitted for site
25 development approval. In addition, a biennial inspection fee in the amount
26 necessary to cover the costs of the inspection process is due to the Town
27 at the time of inspection.
28
29

30 **Section 040-160. Maintenance.**
31

- 32 (A) Providers shall at all times employ ordinary and reasonable care and shall
33 install and maintain in use nothing less than commonly accepted methods
34 and devices for preventing failures and accidents which are likely to cause
35 damage, injuries, or nuisances to the public.
36
- 37 (B) Providers shall install and maintain towers, telecommunications facilities,
38 wires, cables, fixtures and other equipment in substantial compliance with
39 the requirements of the National Electric Safety Code and all FCC, state
40 and local regulations, and in such manner that will not interfere with the use
41 of other property.
42
- 43 (C) All towers, telecommunications facilities and antenna support structures
44 shall at all times be kept and maintained in good condition, order, and
45 repair so that the same shall not menace or endanger the life or property of
46 any person.
47
- 48 (D) All maintenance or construction on a tower, telecommunications facilities or
49 antenna support structure shall be performed as provided by law.
50

1 (E) All towers shall maintain compliance with current radio frequency emissions
2 standards of the FCC.

3
4 (F) In the event any portion of the use of the tower is discontinued by any
5 provider, that provider shall provide written notice to the Town of its intent
6 to discontinue use and the date when the use shall be discontinued.
7

8
9 **Section 040-170. Antennas not located on telecommunications towers.**
10

11 (A) Stealth and non-stealth rooftop or building-mounted antennas not
12 exceeding twenty (20) feet above roofline and not exceeding ten (10) feet
13 above maximum height of applicable zoning district shall be permitted as a
14 conditional use in the following districts:
15

16 (1) Town owned property.

17 (2) M, Manufacturing District.

18 (3) CB, Community Business District.
19

20 (B) The approval of any antenna not located on telecommunications towers
21 shall be subject to site plan review by the Town Administrator or a designee
22 with a showing that the minimum standards as specified in this ordinance
23 have been met with a final approval by the Town Council.
24

25 (C) Town owned property shall take preference over privately owned property.
26 If the proposed site is other than Town owned property, the applicant shall
27 provide an affidavit stating that there is a demonstrated need for the
28 placement of the facility at that location and that there is not a technically
29 suitable location available to accommodate the need.
30

31 (1) Stealth and non-stealth rooftop or building-mounted antennas shall be
32 deemed a permitted use on any Town owned property in accordance
33 with an executed lease agreement acceptable to the Town. The Town
34 shall have no obligation whatsoever to execute such lease even if the
35 applicant can meet the criteria set forth herein. The Town may, as
36 appropriate, to protect its property and the public interest establish
37 additional requirements beyond the minimum requirements of a permit
38 for Town owned property. Setback and distance requirements in the
39 Town Code may be, modified to the extent necessary to provide for
40 the public interest as determined by the Town Council. This provision
41 further does not preclude the Town from issuing a letter of interest for
42 the purposes of leasing sites on designated Town property for the
43 construction and installation of telecommunications facilities. For
44 designated Town owned property, the Town will encourage the
45 installation of telecommunications facilities which have a minimal
46 impact on the surrounding areas and are consistent with the
47 development of the affected area.
48
49

1
2 (D) *Minimum standards.* Buildings or rooftop antennas shall be subject to the
3 following standards:
4

- 5 (1) No commercial advertising or religious icons shall be allowed on an
6 antenna;
7
8 (2) No signals, lights, or illumination shall be permitted on an antenna,
9 unless required by the Federal Communications Commission or the
10 Federal Aviation Administration;
11
12 (3) Any related unmanned equipment building shall not contain more than
13 seven hundred fifty (750) square feet of gross floor area or be more
14 than twelve (12) feet in height; and
15
16 (4) If the equipment building is located on the roof of the building, the area
17 of the equipment building shall not occupy more than twenty-five
18 percent (25%) of the roof area;
19
20 (5) Each application shall contain a rendering or photograph of the
21 antenna including, but not limited to, colors and screening devices.
22 This shall be subject to administrative approval for consistency with
23 the definition of stealth facility.
24
25 (6) Antennas shall only be permitted on buildings which are at least two
26 (2) stories in height.
27
28 (7) Antennas may not exceed more than ten (10) feet above the highest
29 point of a roof. Stealth antennas attached to but not above rooftop
30 structures shall be exempt from this provision.
31
32 (8) Antennas and related equipment buildings shall be located or
33 screened to minimize the visual impact of the antenna upon adjacent
34 properties and shall be of the material or color which matches the
35 exterior of the building or structure upon which it is situated.
36
37 (9) When located on building façade, building mounted antennas shall be
38 painted and texturized to match the existing building.
39
40 (10) Requirements in this Section may be waived where it is determined
41 that based upon site, location or facility, such waiver is in the best
42 interest of the health, safety, welfare or aesthetics of the Town and in
43 the best interest of telecommunication service to the community.
44

45 (E) *Antenna types.* To minimize adverse visual impacts, antenna types shall be
46 selected based upon the following hierarchy.
47

- 48 (1) Panel
49
50 (2) Dish
51
52 (3) Whip
53

1 If non-stealth antenna(s) is proposed, the applicant shall be required to
2 demonstrate, in a technical manner acceptable to the Town, why each
3 choice in the hierarchy cannot be used for the particular application in order
4 to justify the selection of an antenna type lower in the hierarchy. This does
5 not preclude a combination of the various types of antennas.
6

7 (F) *Antenna dimensions.* A statement shall be submitted, prepared by a
8 professional registered engineer licensed to practice in the State of Florida,
9 or a radio frequency engineer who has at least a four year engineering
10 degree, who is competent to evaluate suitability of antennas types, to
11 certify the need for required dimensions.
12

13 (G) *Aircraft hazard.* Prior to the issuance of a building permit, the application
14 shall provide evidence that the telecommunications towers or antennas are
15 in compliance with Federal Aviation Administration (FAA) regulations.
16 Where an antenna will not exceed the highest point of the existing structure
17 upon which it is mounted, such evidence shall not be required.
18
19

20 **Section 040-180. Shared use of communication towers.**

21
22 (A) Notwithstanding any other provision of this Article, to minimize adverse
23 visual impacts associated with the proliferation and clustering of
24 telecommunication towers, co-location of facilities on existing or new
25 towers shall be encouraged by:
26

27 (1) Only issuing permits to approved shared facilities at locations where it
28 appears there may be more demand for towers than the property can
29 reasonably accommodate; or
30

31 (2) Giving preference to approved shared facilities over other facilities in
32 authorizing use at particular locations.
33

34 (B) No development approval to develop, build, construct, or erect a tower
35 pursuant to this Section shall be granted to any person on the basis that it
36 is economically unfeasible for such person to co-locate or install its
37 telecommunications facilities on a tower or antenna support structure
38 owned by another person.
39

40 (C) Co-location of communication antennas by more than one (1) provider on
41 existing or new telecommunications tower shall take precedence over the
42 construction of a new single-use telecommunications towers. Accordingly,
43 each application for a telecommunications tower shall include the following:
44

45 (1) A written evaluation of the feasibility of sharing a telecommunication
46 tower, if appropriate telecommunications towers are available. The
47 evaluation shall analyze one (1) or more of the following factors:
48

49 a. Structural capacity of the towers;

50 b. Radio frequency interference;

51 c. Geographical search area requirements;
52
53

- d. Mechanical or electrical incompatibility;
 - e. Inability or ability to locate equipment on the tower or towers;
 - f. Availability of towers for co-location;
 - g. Any restrictions or limitations of the Federal Communications Commission that would preclude the shared use of the tower;
 - h. Additional information requested by Town.
- (2) The Town may deny an application if an available co-location is feasible and the application is not for such co-location.
 - (3) For any telecommunications tower approved for shared use, the owner of the tower shall provide notice via certified mail of the location of the telecommunications tower and sharing capabilities to all other wireless tower users in Broward County.
 - (4) The owner of any telecommunications tower approved for shared use shall cooperate and negotiate fairly with all other possible tower users regarding co-location leases.
 - (5) Requirements in this Section may be waived where it is determined that based upon site, location, or facility, such waiver is in the best interest of the health, safety, welfare, or aesthetics of the Town and in the best interest of telecommunication service to the community. Any waiver shall require four affirmative votes of the Town Council.
- (D) *Co-location application fee required.* A filing fee in the amount necessary to process the co-location application shall be submitted upon the application for co-location approval.

Section 040-190. Satellite receiving antenna (SRA).

- (A) *Definition.* Satellite receiving antenna means a round dish-like antenna larger than one (1) meter (39.37 inches), intended to receive signals from orbiting or geo-stationary satellites and other sources, or to link wireless service sites together by wireless transmission of voice or data.
- (B) *Single and two-family residential standards.*
 - (1) Any SRA located on residential property shall be restricted to residential use.
- (C) *Nonresidential and multifamily standards.*
 - (1) All SRAs shall be ground-mounted and located in the rear yard so as not to be visible from any public right-of-way.

- 1 (2) A SRA may not be located in the rear yard if the rear lot lines abuts a
2 public right-of-way or lands zoned residential.
3
4 (3) Landscaping including shrubs a minimum of thirty-six (36) inches on
5 all sides, an opaque screen (i.e., wood fence, translucent mesh, etc.)
6 or both shall be incorporated on any dish located in a rear yard.
7
8 (4) No SRA shall exceed twenty (20) feet in height measured from grade.
9 No dish shall exceed fifteen (15) feet in diameter.
10
11 (5) Nonresidential SRAs may be considered for roof installation provided
12 that application is made to development review committee as a
13 conditional use and same shall be granted or denied by the Town
14 Council of the Town of Southwest Ranches. Roof-mounted SRA must
15 be screened by parapets that appear to be an integral part of the
16 building so that not more than twenty-five (25) percent of the antenna
17 height is visible from grade level of adjacent property and adjacent
18 public or private right-of-way.
19
20 (6) All SRAs shall not be light reflective. Dish antennas shall not have
21 any sign copy on them nor shall they be illuminated.
22
23 (7) Each person wishing to place SRAs in nonresidential and multifamily
24 zoned property shall make application to development review
25 committee as a conditional use and same shall be granted or denied
26 by the Town Council of the Town of Southwest Ranches.
27
28 (8) There shall be no more than one (1) antenna as described in
29 paragraph (A) on any plot. However, where business is licensed by
30 the Town as a dealer of electronic equipment, such business may
31 have two (2) antennas as described in paragraph (A) for their plot.
32
33

34 **Section 040-200. Payment to the Town for telecommunication towers and**
35 **antennas.**
36

37 All monies received for the leasing of Town property for telecommunication
38 towers and antennas shall be deposited in the Town's general fund.
39
40

41 **Section 040-210. Waiver.**
42

43 Any provision of this Ordinance may be waived by the Town Council where it is
44 determined that based upon site, location or facility, such waiver is in the best
45 interest of the health, safety, welfare or aesthetics of the Town or compliance
46 with other regulations, and in the best interest of telecommunication service to
47 the community. Any waiver shall require four affirmative votes of the Town
48 Council.

ARTICLE 45. AGRICULTURAL AND RURAL DISTRICTS

Section 045-010. Zoning Districts.

The following shall constitute agricultural zoning districts for the purposes of the ULDC:

<u>District</u>	<u>Title</u>
A-1	Agricultural Estate
A-2	General Agricultural

The following shall constitute rural and estate zoning districts for the purposes of the ULDC:

<u>District</u>	<u>Title</u>
RE	Rural Estate
RR	Rural Ranches

Section 045-020. Purpose and intent of districts.

- (A) A-1, Agricultural Estate, and A-2, General Agricultural Districts are intended to apply to those areas of the Town designated Agricultural or Rural Ranches on the Future Land Use Plan Map of the Comprehensive Plan, the present or prospective use of which is primarily rural estates or agricultural. The regulations of these districts are intended to protect, preserve and enhance the rural character and life-style of existing very low density areas and agricultural uses.
- (B) The RE, Rural Estate District is intended to apply to areas which are primarily residential estates and agricultural uses. The regulations of this district are intended to protect, preserve and enhance the character and life-style of existing low density areas in compliance with the Rural Estate and Estate land use plan designations of the Comprehensive Plan.
- (C) The RR, Rural Ranches District is intended to apply to areas designated Rural Ranches on the Future Land Use Plan Map of the Comprehensive Plan, and is intended to protect, preserve and enhance the rural character and life-style of existing very low density neighborhoods predominately for one-family dwelling, with ranches and related agricultural uses.

Section 045-030. General provisions.

The following general requirements shall apply in all agricultural and rural districts.

- (A) *Fences, walls and hedges.* Fences and walls, not including entrance features, shall be permitted to a maximum height of eight (8) feet above the established grade. Hedges and all natural vegetation shall not be subject to height limits except as provided in Sec. 075-060(E)(3), "Plant Material; Shrubs and Hedges." Decorative lighting mounted on posts as

1 an integral part of any fence or wall shall not be counted in determining
2 fence height, and shall comply with the requirements of Article 95,
3 "Outdoor Lighting Standards." Fences on farms shall be governed by
4 Chapter 588, Florida Statutes, as may be amended from time to time.
5

6 (B) *Vehicle and equipment repair.* Mechanical repairs to vehicles and
7 watercraft parked or stored pursuant to subparagraph (C), below, and
8 weighing less than eight thousand (8,000) pounds, shall be permitted on
9 the plot where stored, provided the repair activity is not visible from any
10 adjacent street or property. Mechanical repairs to farm or agricultural
11 equipment used to maintain a permissible agricultural use being
12 conducted on the property where stored, or equipment used to maintain
13 the property, such as lawn tractors, shall be permitted outside on the plot
14 where stored, without the need for enclosure or screening. A vehicle
15 shall not be in a disassembled state or incapable of immediate use for
16 more than seven (7) consecutive days if unscreened, or twenty-eight (28)
17 consecutive days if screened, and in neither case shall exceed twenty-
18 eight (28) days during any six (6) month period.
19

20 (C) *Parking and storage.* This Subsection identifies the types of vehicles that
21 may be parked or stored within the agricultural and rural districts, and
22 associated regulations. Vehicles may be parked or stored only as an
23 accessory use to a permanent dwelling, except that construction and
24 agricultural vehicles and equipment may be stored on unimproved land as
25 provided herein.
26

27 (1) *Generally.* All vehicles and equipment parked or stored as
28 provided for herein must be registered to a permanent, full-time
29 resident of premises unless otherwise provided, be operable and
30 capable of immediate use unless being repaired pursuant to (B),
31 above, and all vehicles must have a current, valid registration and
32 associated Department of Motor Vehicles license plate where
33 license plates are required by law. Additionally, none of the
34 provisions of this Subsection shall be construed to allow the
35 parking or storage of any vehicle or equipment upon any drainage
36 swale abutting a street, or within any street right-of-way or
37 easement, except as specifically provided for the storage of
38 construction equipment.
39

40 (2) *Construction equipment and materials.*

41
42 a. *Storage on construction sites.* Equipment and materials
43 required for construction of a building and related land
44 preparation and infrastructure construction, may be stored
45 on the site of the construction from the date of building
46 permit issuance to the date of construction completion,
47 provided that all required permits remain valid for the
48 duration of the project. Construction equipment on private
49 property construction site may be stored anywhere within a
50 plot, and without the need for screening or enclosure.
51 Storage of construction equipment and materials used for
52 utility installation or road construction purposes is also
53 construction-including roadside swales, from the date of
54 construction permit issuance to completion of construction.

b. *Parking and storage accessory to a dwelling.* The parking of construction vehicles and equipment driven to work by permanent, full-time residents of dwelling is permitted as an accessory use to the dwelling subject to the provisions of Subsection (4)(a).

(3) *Agricultural vehicles and equipment.* Storage of vehicles and equipment necessary for conducting a permissible agricultural use is permitted on the plot upon which they are used, provided that the vehicles and equipment are registered to an owner or lessee of said plot. Agricultural vehicles and equipment may be stored anywhere within a plot without the need for screening or enclosure, and with no limitation on quantity.

(4) *Commercial vehicles.*

a. *Parking.* Up to one (1) commercial vehicle per net acre of property, not to exceed a total of two (2) commercial vehicles may be parked on a plot by permanent, full-time residents of the plot who regularly drive the vehicle for business purposes and bring the vehicle home in between work shifts, subject to the following provisions:

1. Screening or enclosure is not required for one (1) commercial vehicle not exceeding fifteen thousand (15,000) pounds of gross vehicle weight, but shall be required for a second commercial vehicle regardless of weight, so that such additional vehicle is not visible from any adjacent street or property; and,
2. Any commercial vehicle exceeding fifteen thousand (15,000) pounds of gross vehicle weight shall be screened so as not to be visible from any adjacent street or property, and shall not be parked closer than fifty (50) feet from any property or street line.
3. No commercial vehicles may be parked within a required yard, unless parked on a stabilized driveway surface; and,
4. The operation of refrigeration units is prohibited while the vehicle is parked or stored on the premises.

b. *Storage.* In addition to the vehicles that may be parked pursuant to Subsection a. above, an unlimited number of commercial vehicles used for hobby or other personal, non-business purpose may be stored on said plot, subject to the following requirements.

1. The vehicles shall not contain signage; and,

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2. The vehicles shall not be stored within a required yard unless parked on a stabilized driveway surface; and
 3. The vehicles shall not be visible from any adjacent street or property.
- (5) Personal recreational vehicles may be stored on a plot, without limitation as to the number of vehicles or the location(s) of stored vehicles on the plot, and up to two (2) vehicles may be stored without the need for screening or enclosure, provided:
- a. The vehicles must be used for hobby or other personal, non business purpose;
 - b. Recreational vehicles shall not be used for living purposes and may not maintain water or sewage connection, but may be temporarily connected to an electrical hookup.
 - c. Each vehicle must be owned or leased by a permanent, full-time resident of the premises upon which stored or a guest, provided a guest's vehicle is not parked or stored on the premises for more than ninety (90) days within any one (1) year period.
 - d. Additional vehicles over two (2) shall be screened or enclosed and shall not be visible from any adjacent street or property.
- (6) Storage and parking of private passenger vehicles shall be in accordance with Article 80, "Offstreet Parking and Loading Requirements."
- (D) *Miscellaneous storage.*
- (1) Outside storage of household items belonging to a resident of a permanent dwelling is permitted, provided the items are designed and intended for outdoor residential use.
 - (2) The open air storage of junk and debris shall be subject to removal as provided in Chapter 14, Article IV, "Land Clearance," of the Town of Southwest Ranches Code of Ordinances, as provided by state law for public nuisances or as provided in the ULDC, Article 20, "Property Maintenance and Junk or Abandoned Property."
 - (3) Portable storage units, including but not limited to, "Portable On Demand" ("PODs") units shall not be kept upon a plot in excess of two (2) years if there is an active building permit for construction on the plot, or the issuance of a Certificate of Occupancy or Completion, whichever occurs first. Units not associated with an active permit for construction on the same plot shall be kept not longer than thirty (30) days within any six (6) month period.
- (E) *Swimming pools and spas.* In addition to the swimming pool barrier requirements of the Florida Building Code and Florida law, swimming pools and spas must be enclosed either by a screen enclosure or fence at least five (5) feet high, constructed of materials that will preclude unauthorized access to the pool or spa area. All screen doors and fence gates shall be equipped with self-closing, self-latching mechanisms operable from the interior of the fenced area only, except for child fences (continued on next page)

designed to enclose the perimeter of the pool but not the pool decking. All enclosures shall comply with the requirements of the Florida Building Code, as may be amended from time to time ,for such barriers.

(F) *Animals.* Breeding, raising and/or keeping of animals shall be permitted as follows:

(1) In all A-1 Districts:

a. Livestock, limited to four (4) animals for each net acre of plot area, two (2) animals each half (1/2) acre of plot area and one (1) animal for each quarter (1/4) acre of plot area. On plots three and one-half (3.5) acres or more in net area, the number of animals specified above may be doubled, provided all animals are sheltered. There shall be no limit on the number of livestock on plots greater than ten (10) net acres in area.

Provided that the livestock are not a nuisance pursuant to Florida Statutes 823.14, as may be amended form time to time, the number and types of livestock shall not be restricted on farms, except that in the A-1 District it is presumed that the raising, breeding or keeping of swine of any type except for one (1) pot bellied Vietnamese pig, shall be presumed to be a nuisance and shall not be allowed. Said nuisance determination may also be made by the Town's Special Master who shall consider section 823.14 F.S., as may be amended from time to time, case law, and the Best Management Practices of the Water Management District and the Department of Agriculture.

b. Poultry.

c. In addition to the animals in paragraph (1) above, the following may be kept on a plot containing a permanent dwelling:

1. Birds and fowl.

2. Dog, cats and other household pets.

3. Wildlife pets as permitted and licensed by the State of Florida.

d. Commercial breeding of animals, limited to farm products.

e. Swine of any type, except for one (1) pot bellied Vietnamese pig as a household pet, are prohibited.

f. Offspring under the normal weaning age for the species shall not be included in calculating the number of animals.

(2) The number and type of animals in A-2 districts shall not be restricted provided that the livestock are not a nuisance pursuant

to Florida Statutes 823.14, as may be amended from time to time. Said nuisance determination shall be made by the Town's Special Master who shall consider section 823.14 F.S., as may be amended from time to time, case law, and the Best Management practices of the Water Management District and the Department of Agriculture.

(3) In the rural districts;

- a. One (1) livestock for each ten thousand (10,000) square feet of plot area. Said restriction on the number of animals, however, shall not apply to household pets as defined in Article II of this Code.

Provided that the livestock are not a nuisance pursuant to Florida Statutes 823.14, as may be amended from time to time, the number and types of livestock shall not be restricted on farms in the rural districts. Said nuisance determination shall be made by the Town's Special Master who shall consider Section 823.14 F.S., as may be amended from time to time, case law, and the Best Management Practices of the Water Management District and the Department of Agriculture.

- b. Poultry.

- c. In addition to the animals in paragraph a. and b. above, the following may be kept on a plot containing a permanent dwelling:

1. A total of twenty-five (25) birds and fowl, provided such birds and fowl are kept in an enclosure which is at least fifty (50) feet from any plot line or street line.
2. Dogs, cats and other household pets; and
3. Wildlife pets as permitted and licensed by the State of Florida.

- d. Swine of any type, except for one (1) pot bellied Vietnamese pig as a household pet, are prohibited

- e. Offspring under the normal weaning age for the species shall not be included in calculating the number of animals.

- f. On plots exceeding four and one-half (4.5) acres in net area, one (1) additional animal shall be permitted for each ten thousand (10,000) square feet of plot area, if all animals are sheltered, not including hogs and household pets.

(4) Yards where livestock or other animals are allowed access shall be fenced to prevent the animals from accessing streets and adjacent properties.

1
2 (G) *Guest homes.*
3

- 4 (1) A guest house shall not be permitted on plots smaller than thirty-
5 five thousand (35,000) square feet in area.
6
7 (2) For privately owned plots of at least thirty-five thousand (35,000)
8 square feet and up to and including forty-three thousand, five
9 hundred-sixty (43,560) square feet, guest homes shall not exceed
10 six hundred (600) square feet of gross floor area under roof,
11 whether or not fully enclosed.
12
13 (3) For privately owned plots greater than forty-three thousand, five
14 hundred-sixty (43,560) square feet, guest homes shall not exceed
15 twelve hundred (1,200) square feet of gross floor area under roof,
16 whether or not fully enclosed.
17
18 (4) Only one (1) guest house shall be permitted per plot, and it may
19 not be rented, leased or sold separately from the overall property.
20 A guest house shall not contain, nor be designed to contain, a
21 stove or range, a dishwasher, or more than one (1) refrigerator.
22

23 Portable cooking equipment such as microwave and toaster oven
24 are not considered to be range or cookstove. In no event shall a
25 guest house be considered a dwelling unit, as defined herein. A
26 guest house shall not have a separate mailing address or electrical
27 meter.
28

29 (H) *Mobile homes and construction trailers.*
30

- 31 (1) One (1) mobile home may be placed on a plot for a period of time
32 not to exceed one (1) year during active construction of a
33 permanent dwelling to serve as temporary living quarters for the
34 owners of the home under construction. One (1) mobile home, for
35 a construction office, may also be placed on a plot within
36 nonresidential development under construction, and within
37 residential subdivisions under construction that are approved for
38 two (2) or more dwelling until the final Certificate of Occupancy is
39 issued for the developed.
40
41 a. Placement of the mobile home shall be in compliance with
42 all minimum yard requirements.
43
44 b. No mobile home shall be placed upon any such property
45 until a building permit for construction of the dwelling or
46 nonresidential structure has been issued. The permit shall
47 be posted in such a manner that it can be observed from the
48 exterior of the mobile home.
49
50 c. Actual construction of a principal building must commence within
51 four (4) months after issuance of the building permit and be
52 actively carried forward.
53
54

1 d. The mobile home must be removed from the property upon
2 completion of the permanent dwelling or other principal
3 building(s) at the end of the one (1) year period, whichever occurs
4 first. The Town Administrator may grant one (1) extension of a
5 maximum six (6) months, upon petition from the property owner,
6 provided the petition demonstrates unexpected hardship, and
7 steady construction progress such that construction can
8 reasonably be completed within the six (6) month extension
9 period. A decision of the Town Administrator to deny the request
10 for extension may be appealed to the Town Council subject to the
11 requirements of Article 135, "Appeals of Administrative
12 Decisions."
13

14 (2) In the A-1 and A-2 Districts, on plots ten (10) acres or more in net area,
15 used solely for farm homesteads or livestock, one (1) mobile home may
16 be maintained for housing of the property owner or persons employed by
17 the owner to care for crops or livestock on the property or for farm office
18 purposes. Such mobile home must meet the minimum floor area
19 required by this Article, must be constructed with wooden or masonite
20 siding or residential lapped siding that is non-metallic in appearance and
21 must be underskirted at the time of set-up. Roofs must be shingled with
22 asphalt or fiberglass shingles.
23

24 (I) *Easements.* No permanent structure except a wood or chain link fence, or
25 similar type of open fencing, shall encroach upon or into any easement of
26 record. No structure or use of any type shall encroach upon or obstruct access
27 through any easement specifically granted for ingress or egress purposes to
28 adjacent properties.
29

30 (J) *Farm, plant and tree nursery on-site display and sales (commercial and*
31 *noncommercial).*
32

33 (1) On-premise sales and display for farms are limited to crops or plants grown
34 or cultivated on the plot where they are being sold.
35

36 (2) Plant and tree nurseries. On-premise sales and display for nurseries are
37 limited to plants grown or cultivated on the plot where they are being
38 displayed or sold, and to accessory on-premise sales and display of
39 related landscaping materials that are customarily incidental to such plant
40 sales and display, and that are an integral part of the landscape or
41 hardscape, or are tools used to install landscaping and hardscaping. The
42 display of incidental landscape materials must be screened from the view
43 of adjacent streets and properties.
44

45 a. By way of example, the following are classified as incidental
46 materials: stepping stones, river rocks, railroad ties, ponds,
47 mulch, topsoil, fertilizer, and tree-bracing kits.
48

49 b. By way of example, the following are not incidental materials:
50 lawn furniture including benches and picnic tables, gazebos,
51 decorative fountains, statues, recreational and playground
52 equipment, pools and hot tubs, household goods, and rugs.
53
54

- 1 (K) *Essential services.* Electric transformer substations are not permitted as
2 an essential service within the agricultural and rural districts. Existing
3 substations as of the date of adoption of the ULDC shall be considered
4 conforming uses and may be expanded within existing plot.
5
- 6 (L) *Landscaping.* Except for portions of plots used for farm operations,
7 installation and maintenance of landscaping shall be subject to
8 compliance with Article 75, "Landscaping."
9
- 10 (M) *Signs.* Installation and maintenance of permitted signs shall be subject to
11 compliance with Article 70, "Signs."
12
- 13 (N) *Definitions.* Terms used within this article are defined in Article 10,
14 "Definition of Terms."
15
- 16 (O) *Nonconforming uses, structures and plots.* Any building, use or plot that
17 has been established as nonconforming, or which is made nonconforming
18 by the adoption of this code or any amendment hereto, shall be subject to
19 the provisions of Article 30, "Nonconforming Uses, Structures and Plots."
20
- 21 (P) *Parking of private passenger vehicles.* Parking shall be subject to the
22 requirements of Article 80, "Offstreet Parking and Loading Requirements."
23
- 24 (Q) *Property maintenance.* The maintenance of buildings and structures, the
25 storage of junk vehicles, junk items, trash, debris, garbage and
26 overgrowth shall be subject to requirements of Article 20, "Property
27 Maintenance and Junk or Abandoned Property."
28
- 29 (R) The provisions of Article 15, "General Provisions," shall apply.
30
31

32 **Section 045-040. Minimum dwelling Requirements.**

33

34 No person shall occupy or allow occupancy of any dwelling space in the A-1 and
35 A-2 Districts.
36

- 37 (A) Requirements for dwelling space in the A-1 and A-2 Districts.
38
- 39 1. Each dwelling shall have a minimum habitable room area of not
40 less than two hundred-fifty (250) square feet for the first occupant
41 and not less than one hundred-sixty (160) square feet for each
42 additional occupant, of which sixty (60) square feet shall be
43 bedroom area, forty (40) square feet shall be dining area, and sixty
44 (60) square feet shall be living area, provided that no habitable
45 room except kitchens shall be less than seventy (70) square feet in
46 area.
47
 - 48 2. Every room in a dwelling occupied by more than one (1) occupant
49 shall have a habitable room area of at least sixty (60) square feet
50 for each occupant.
51
 - 52 3. Every dwelling unit shall have a minimum of twelve (12) square
53 feet of floor area as closet space for the first bedroom and six (6)

square feet of floor area as closet space for each additional bedroom. Kitchen closet space shall not be considered as meeting this requirement.

(B) Requirements for dwelling space in the rural districts.

- (1) The minimum floor area of a one-family dwelling in the rural districts shall be fifteen hundred (1,500) square feet.

(C) Basic sanitary facility requirements in the agriculture and rural districts.

- (1) Each dwelling shall have not less than one (1) flush water closet, one lavatory basin and one bathtub or shower for each six (6) persons, or fraction thereof, residing in the dwelling.
- (2) Urinals shall not be substituted for water closets.
- (3) All toilet and bath facilities shall be accessible from the interior of the dwelling unit, with the exception of pool cabanas and showers.

Section 045-050. Uses permitted.

Plots in rural and agricultural districts may be used for one (1) or more of the following specified uses:

Key to abbreviations:

P = Permitted

NP = Not Permitted

C = Conditional

<u>Permitted Principal Uses</u>	<u>A-1</u>	<u>A-2</u>	<u>RE</u>	<u>RR</u>
1-family detached dwellings	P	P	P	P
Nonprofit neighborhood social and recreational Facilities	P	P	P	P
Community residential facilities	P	P	P	P
Crop raising and plant nurseries [commercial and noncommercial, subject to Sec. 045-030 (J)]	P	P	P	P
Essential services [subject to Sec. 045-040 (K)]	P	P	P	P
Fish breeding (commercial and noncommercial)	P	P	P	P
Keeping, breeding of animals [subject to				

1	Sec. 045-030 (F)]	P	P	P	P
2	Commercial equestrian operations limited to				
3	horse riding & boarding stable, private riding				
4	instruction, training and breeding of horses	P	P	P	P
5					
6	Veterinary clinics (no overnight stay or animal				
7	runs)	P	P	NP	NP
8					
9	Veterinary hospitals	NP	P	NP	NP
10					
11	Kennels, commercial boarding and breeding	NP	P	NP	NP
12					
13	Wireless communication facilities [subject to				
14	Article 40, "Telecommunication Towers and				
15	Antennas."]	P	P	P	P
16					
17	<u>Permitted accessory uses to a 1-family dwelling</u>				
18					
19	Detached guesthouse				
20	[subject to Sec. 045-030 (G)]	P	P	P	P
21					
22	Exhibition of Class I and Class II wildlife				
23	[subject to Sec. 035-070 pertaining				
24	to conditional uses]	C	C	NP	C
25					
26	Yard sales [subject to Sec. 035-060 pertaining				
27	To conditional uses]	C	C	C	C
28					
29	Home offices [subject to Sec. 035-030				
30	Pertaining to conditional uses]	C	C	C	C
31					
32	Family day care homes	P	P	P	P
33					
34	Accessory structures and uses, other	P	P	P	P
35					

Section 045-060. Uses prohibited.

Any use not expressly permitted in Section 045-050, "Uses permitted" of this Article is prohibited.

Section 045-070. Minimum plot size and dimensions.

(A) Agricultural districts.

- (1) Any plot in an agricultural district shall have at least one (1) dimension of two hundred fifty (250) feet.
- (2) No plot within an agricultural zoning district shall be developed for residential use unless the plot contains two (2) net or two and one-half (2 ½) gross acres * of plot area, unless the plot:

- a. Became undersized due to a right-of-way dedication or change in district regulations prior to the adoption of the ULDC; or
- b. Is specifically designated on a plat approved by the Board or County Commissioners prior to May 16, 1979; or
- c. Was of public record prior to May 16, 1979, and has not been at any time since the effective date of Broward County Ordinance No. 79-34 (May 30, 1979) contiguous with another parcel or parcels in common ownership that could be combined into a single parcel of at least two (2) net acres, and which has received the approval of the applicable agency for a sewage disposal system; or
- d. Is exempted from the minimum plot size requirement under the "Developed Areas" provision of the Comprehensive Plan.

* Note: water bodies within the Agricultural Land Use Plan Designation that extend beyond a given property line shall not count towards the minimum required net plot area for that plot pursuant to the Agricultural permitted uses section of the Comprehensive Plan.

(B) Rural Ranches District. Every plot in a RR District shall be not less than one-hundred twenty-five feet in width and shall contain not less than two (2) net or two and one-half (2 ½) gross acres unless the plot satisfies one of the plot size exceptions established in (A)(2) b, c, or d, above, or has a minimum area of eighty thousand (80,000) square feet in net area, of record as of February 8, 1993.

(C) Rural Estate District.

(1) Every plot in an RE district shall be not less than one hundred twenty-five (125) feet in width and contain not less than one (1) net acre. One-family dwellings may be permitted on smaller plots which:

- (a) Contain thirty-five thousand (35,000) square feet or more in net area and are not less than one hundred twenty-five (125) feet in width; and
- (b) Were of public record prior to September 18, 1979; and

- 1 (c) Have not been at any time since September 18, 1979,
2 contiguous with another plot or plots in common ownership
3 which could be combined into a single plot of at least one
4 (1) gross acre; or
5
6 (d) Are included within an approved plat in which the average
7 density is not more than one (1)-dwelling unit per gross
8 acre, as defined in the Comprehensive Plan; or
9
10 (e) Comply with requirements of exemptions for developed
11 areas specified in the Comprehensive Plan.
12
13 (2) When a plot which was recorded prior to January 1, 1973, and
14 contained thirty-five thousand (35,000) square feet or more in area
15 was reduced in size due to dedication for right-of-way, the resulting
16 plot need be no larger than one hundred twenty-five (125) feet in
17 width and thirty thousand (30,000) square feet in net area. Said
18 plot shall not be further subdivided.
19
20 (D) It shall be the responsibility of the applicant to provide evidence of
21 compliance with the above exceptions within the agricultural and rural
22 districts.
23
24 (E) Plots with cul-de-sac frontage shall comply with the frontage requirement
25 of Sec. 090-070, "Lots."
26
27 (F) The frontage of a plot along a collector or arterial shall comply with Sec.
28 090-080(B), "Access to development."
29
30

31 **Section 045-080. Plot coverage, floor area ratio and pervious area.**
32

- 33 (A) The combined area occupied by all buildings and roofed structures shall
34 not exceed twenty percent (20%) of the net plot area in A-1, A-2, and RE
35 districts, and ten percent (10%) of the net plot area in the RR District,
36 except that farm buildings and roofed farm structures may exceed the
37 total net plot coverage allowance in the RR District by an additional ten
38 percent (10%) of the net plot area.
39
40 (B) Development on plots designated Agricultural on the Future Land Use
41 Plan Map shall not exceed a Floor Area Ratio of one-tenth (0.10).
42
43 (C) The aforesaid limitations shall not apply to buildings used for growing
44 plants, including but not limited to shade houses, greenhouses, and
45 hydroponics nurseries. To the extent that a farm applicant needs to
46 exceed the plot coverage, the farm applicant must follow the review

procedures set forth in Article 155, "Administrative Farm Claim Determinations." The farm applicant must demonstrate that the requirement prohibits, restricts, or otherwise limits a generally accepted farming practice.

- (D) The minimum pervious area shall be forty percent (40%) of the net acreage in the agricultural and rural districts.

Section 045-090. Height

No building or structure, or part thereof, shall be erected or maintained to a height exceeding thirty-five (35) feet, except as permitted by Sec. 015-030, "Exclusions from height limits," and Article 040, "Telecommunications Towers and Antennas." To the extent that a farm applicant needs to exceed the maximum height, the farm applicant must follow the review procedures set forth in Article 155, "Administrative Farm Claim Determinations." The farm applicant must demonstrate that the requirement prohibits, restricts, or otherwise limits a generally accepted farming practice.

Section 045-100. Required yards.

All plots in agricultural and rural districts shall maintain yards for all buildings, structures and accessory uses not less than the following, except as provided in Sec. 015-100, "Yard encroachments":

- (A) Any building or roofed structure, pen or coop or fish breeding tank used for the shelter, housing or keeping of animals, birds, fowl, poultry or fish shall be subject to a fifty (50) foot yard requirement, including veterinary clinics, veterinary hospitals, and kennels. To the extent that a farm applicant needs to decrease the yard, the farm applicant must follow the review procedures set forth in Article 155, "Administrative Farm Claim Determinations." The farm applicant must demonstrate that the requirement prohibits, restricts, or otherwise limits a generally accepted farming practice. If a farm is granted a yard reduction it shall have a buffer consisting of an opaque fence or wall, hedge or berm to a minimum height of six (6) feet.
- (B) *Front yard:* A front yard of at least fifty (50) feet must be provided. To the extent that a farm applicant needs to reduce the yard, the farm applicant must follow the review procedures set forth in Article 155, "Administrative Farm Claim Determinations." The farm applicant must demonstrate that the requirement prohibits, restricts, or otherwise limits a generally accepted farming practice.

(C) All other yards:

On all remaining sides of any plot or portion thereof, there shall be a yard of at least twenty-five (25) feet. To the extent that a farm applicant needs to decrease the required yard, the farm applicant must follow the review procedures set forth in Article 155, "Administrative Farm Claim Determinations." The farm applicant must demonstrate that the requirement prohibits, restricts, or otherwise limits a generally accepted farming practice. If a farm is granted a yard reduction it shall have a buffer consisting of an opaque fence or wall, hedge or berm at a minimum height of six (6) feet.

(D) The minimum separation for all dwellings and non-farm buildings and roofed structures shall be ten (10) feet. There shall be no minimum separation between detached farm buildings or structures on a single plot, or portion thereof, occupied by a farm.

Section 045-110. Discontinuance of farm operations.

In the event a plot is not used for farm operations for a period of one (1) year, all buildings and structures shall meet all requirements of this Article for residential or nonresidential and nonagricultural uses.

Section 045-120. Estate districts repealed.

The E-1 and E-2 Districts are hereby repealed and replaced with the RE and RR districts, respectively. All lands zoned E-1 and E-2 are hereby rezoned and redesignated RE and RR districts, respectively, as of the date of adoption of the ULDC.

Section 045-130. P.U.D. District repealed and replaced with RE; vesting of existing building envelopes.

Land within the Ivanhoe Estates Plat zoned P.U.D. as of the date of adoption of the ULDC is hereby rezoned and redesignated RE, Rural Estates District, and the P.U.D. District is hereby repealed. Any lawfully erected structure made nonconforming by this Section may expand within the existing building envelope.

ARTICLE 50. COMMERCIAL DISTRICTS.

Section 050-010. Commercial zoning districts.

The following shall constitute commercial zoning districts for the purposed of this Code, and shall implement the Commercial Future Land Use Plan Designation:

1
2 CB Community Business District
3 MUS Rural Government Mixed Use Services District
4

5 **Section 050-020. Purpose and intent of districts.**
6

7 (A) The CB, Community Business District, is intended to meet the shopping
8 and service needs of the entire Town of Southwest Ranches community
9 and beyond, and to accommodate establishments and services catering
10 to the business community not used by residents on a regular basis. The
11 CB District is intended for properties located at the intersection of roads
12 functionally classified in the Comprehensive Plan as arterial roadways,
13 where high traffic volumes are present at the Town's edges.
14

15 (B) The MUS, Rural Government Mixed-Use Service District, is intended to
16 provide land area for government and civic facilities , rural neighborhood-
17 oriented retail and office uses that are accessory to the government
18 and/or civic uses, and that specifically support the Town's rural population
19 and equestrian community. The MUS District shall be located as directed
20 by the Comprehensive Plan, and is considered compatible with
21 agricultural and rural uses, as the permitted MUS District uses are
22 consistent with the Town's rural character, and a public open space buffer
23 is required within any part of a MUS District development abutting
24 agricultural and rural zoning districts.
25

26
27 **Section 050-030. General provisions.**
28

29 (A) *Alcoholic Beverage Establishments.* Any establishment selling or
30 dispensing alcoholic beverages or allowing on-premises consumption of
31 alcoholic beverages must comply with all requirements of Article 25,
32 "Alcoholic Beverages and Adult Entertainment."
33

34 (B) *Display of products for sale.* All products displayed for sale shall be
35 located within a building, except that vehicles for sale or rental may be
36 displayed and stored outside, and produce, plants, lawn and garden
37 equipment may be displayed and stored outside provided the display and
38 storage is located at least fifty (50) feet from any agricultural or rural
39 district, is not within any required landscape buffer, and is subject to the
40 schedule of permitted uses. Such outside display areas shall be
41 enclosed as required by Article 75, "Landscaping" for outdoor storage
42 areas in commercial districts. At least one (1) side of the display and
43 storage area shall be contiguous to the principal building to which it is
44 accessory. Stocking of the produce or plants for pick-up by customers
45 shall be done internally or through a single gate at a designated off-street
46 loading area.

- 1
2 (C) *Dumpsters and dumpster enclosures.* Dumpsters and dumpster
3 enclosures shall be provided in accordance with Sec. 015-070, "Dumpster
4 enclosures."
5
6 (D) *Landscaping.* All buildings and uses shall provide landscaping and buffers
7 in accordance with Article 075. "Landscaping."
8
9 (E) *Off-street parking.* All buildings and uses shall provide off-street parking,
10 loading areas and lighting in accordance with Article 080, "Off-street
11 Parking and Loading Requirements."
12
13 (F) *Nonconforming buildings, uses and plots.* Any building, use or plot that
14 has been established as legally nonconforming, or which becomes legally
15 nonconforming, shall be subject to provisions of Article 030,
16 "Nonconforming uses, structures and plots."
17
18 (G) Required yards.
19
20 (1) Front yard: thirty-five (35) feet
21
22 (2) Side yard, interior: determined by required landscape buffer width
23
24 (3) Side yard, corner: thirty-five (35) feet
25
26 (4) Rear yard: determined by required landscape buffer width
27
28 (5) Any yard abutting an agricultural or rural district other than as
29 provided in (5), above, shall have a minimum dimension of fifty
30 (50) feet in the CB District, one hundred (100) feet within the MUS
31 District, and five hundred (500) feet for any outdoor recreation
32 structure or use permitted in the CB districts and *not* permitted
33 within the OSR District, unless a greater yard is required for a
34 specific use in this yard shall be dedicated as public open space.
35 A landscape buffer as required by Article 075, "Landscaping" shall
36 be provided along the perimeter of any required yard under this
37 Subsection.
38
39 (6) Plots with cul-de-sac frontage shall comply with the frontage
40 requirement of Sec. 090-070, "Lots".

- 1
2 (7) The frontage of a plot along an arterial shall comply with Sec. 090-
3 080(B), "Access to development."
4
- 5 (H) *Fences, walls and hedges.* Maximum height; eight (8) feet within required
6 yards. The use of barbed wire, razor wire or electrified fencing is
7 prohibited.
8
- 9 (I) *Signs.* Signage is subject to provisions in Article 70, "Signs) except as
10 provided in Sec. 050-080(V) for MUS District uses.
11
- 12 (J) *Use of residential streets or residentially zoned property for access.* No
13 privately owned land within the agricultural or rural districts, nor any public
14 or private streets, other than a Trafficway, upon which residential plots
15 directly abut, shall be used for driveway or vehicular access purposes to
16 any plot in a commercial district.
17
- 18 (K) All activities of permitted shall be conducted within an enclosed building,
19 except as follows, and subject to the requirements of Section 050-080,
20 "Limitations of uses."
21
- 22 (1) Principle uses that can occur outdoors are limited to the following,
23 and are also permitted, where applicable, as accessory uses:
24
- 25 a. Ampitheater
26
27 b. Rodeo arena
28
29 c. Lawn and garden shop
30
31 d. Outdoor event
32
33 e. Plant or produce sales, farmers market
34
35 f. Recreation and open space facilities and activities
36 customarily located outdoors
37
38 g. Gasoline stations (fuel dispensing)
39
40 h. Mobile food units and wayside stands
41
- 42 (L) All provisions of Article 015, "General Provisions," shall apply.

Section 050-040. Permitted uses.

Permitted principal uses in all commercial districts shall be limited to those uses specified in the Master Business List, and uses determined by the Town Administrator to be similar to a permitted use in terms of use type, intensity and compatibility with adjacent uses, provided that the use is not first permitted in a more intense zoning district. All other uses shall be prohibited. Permitted uses shall be subject to Section 050-080, "Limitations of uses." Specific subsection references are included in the following Master Business List.

Master Business List

P= Permitted C= Conditional A= Accessory use only

Conditional use regulations are found in Article 035, "Conditional Uses."

Use	CB	MUS
Accessory dwelling [see Sec. 050-080(A)]	A	A
Adult entertainment establishment, adult video store [see Chapter 20, Article XVI, and ULDC Article 25, "Alcoholic Beverages and Adult Entertainment"]	P	
Amusement center (video arcade, games) [see Sec. 050-080(B)]	P	
Animal grooming parlor		P
Appliance store	P	
Auditorium, amphitheatre		P
Automobile repair garage (mechanical) [see Sec. 050-080(D)]	P	
Bank or financial institution	P	P
Bar, lounge, tavern or pub	P	
Barber shop, beauty salon, nail salon	P	
Bakery, retail [see Sec. 050-080(F)]	P	P
Billiard center or pool hall [see Sec. 050-080(B)]	P	
Blood bank	P	
Bookstore, newsstand	P	P
Car wash, self-service or automated	P	
Catering or food delivery service	P	
Child care center, pre-school or adult day care [see Sec. 050-080(E)]	P	A
Clothing store	P	
Club, private fraternal or lodge	P	
Community centers, meeting facilities		P
Convenience store	P	
Courier service	P	

Use	CB	MUS
Dance club	P	
Delicatessen	P	P
Department store	P	
Dinner theater	P	
Dry cleaning or laundry drop-off and pick-up	P	
Electronics sales or repair	P	
Employment agency, business and professional, excluding day labor Agencies	P	
Essential services and utilities	P	P
Feed and tack store	P	P
Flooring store (carpet, tile, etc.)	P	
Florist [see Sec. 050-080(F)]	P	P
Funeral home, mortuary [see Sec. 050-080(F)]	P	
Furniture store	P	
Gasoline station [see Sec. 050-080(G)]	P	
General store, rural [see Sec. 050-080(H)]	P	P
Glass and mirror shop	P	
Golf course		
Golf driving range		
Golf, miniature		
Governmental offices and support facilities, including public safety and rescue facilities	P	P
Gym or fitness center	P	A
Hardware store	P	
Hobby or craft store	P	
Holiday wayside stand [see Sec. 035-050, "Holiday wayside stands"]	C	C
Home improvement center	P	
Hotel	P	
Kennel, animal boarding or breeding [see Sec. 050-080(F), (I)]	P	P
Laboratory (medical, dental, research and development)	P	
Lawn and garden shop	A	
Library, museum, art gallery and other such exhibitions	P	P
Mobile collection center [see Sec. 050-080(J)]	P	
Mobile food unit [see Sec. 050-080(K)]	C	
Nightclub	P	
Offices (business and professional) [see Sec. 050-080(F)]	P	P
Offices (medical, dental psychiatric or chiropractic)	P	
Outdoor event [see Sec. 035-040, "Outdoor events."]	C	C
Outdoor recreation club		
Package delivery service [see Sec. 050-080(F)]	P	P
Package liquor, beer or wine	P	
Parts store, vehicles [see Sec. 050-080(L)]	P	

Use	CB	MUS
Personal service shops (other than those specified herein)	P	
Pest control service	P	
Pharmacy	P	
Plant or produce sales, farmers market	P	P
Post office or private mail facility (local branch office only, no regional sorting or distribution) [see Sec. 050-080(F)]	P	P
Photocopy or small job printing shop	P	
Recording or broadcasting studio (music, radio, television, film)	P	
Recreation and open space, public	P	P
Repair shop, household and personal items	P	
Restaurant, fast food [see Sec. 050-080(M)]	P	
Restaurant, full service [see Sec. 050-080(F)]	P	P
Restaurant, take-out	P	
Retail store (other than those specified herein)	P	
Rodeo arena		P
School, commercial (art, music, theatrical, business, technical)	P	
School, public or private, preschool, elementary and secondary	P	
School, trade or vocational [see Sec. 050-080(P)]	P	
Shopping center	P	
Skateboard facility [see Sec. 050-080(N)]		
Skating rink [see Sec. 050-080(Q)]	P	
Sports courts (tennis, batting cages, etc.)		
Supermarket	P	
Swimming pool supplies [see Sec. 050-080 (O)]	P	
Theater, movie	P	
Theater, performing arts	P	P
Tool rental (small tools and equipment)	P	
Upholstery shop	P	
Union hall	P	
Veterinary Clinic [see Sec. 050-080(F)]	P	P
Veterinary hospital [see Sec. 050-080(F), (Q)]	P	P
Video store	P	
Warehouse, self-storage [see Sec. 050-080(R)]	P	
Water parks, commercial (water slides, pools, etc.)		
Wholesale stores	P	
Wireless communication facilities [see Article 40, "Telecommunication Towers and Antennas"]	P	P

Section 050-050. Plot size.

- (A) One (1) acre in the CB District, except as specified for specific uses in Sec. 050-080, "Limitations of uses."

- 1
2 (B) Five (5) acres in the MUS District.
3

4 **Section 050-060. Plot coverage, floor area ratio and pervious area.**
5

- 6 (A) *Maximum plot coverage*: thirty-five percent (35%) of the net acreage
7
8 (B) *Maximum floor area ratio*: one-quarter (0.25).
9
10 (C) *Minimum pervious area*: thirty percent (30%) of the net acreage.
11
12

13 **Section 050-070. Height.**
14

- 15 (A) No building or structure located less than one hundred (100) feet from
16 any residential plot shall be constructed to a height exceeding twenty (20)
17 feet.
18
19 (B) A maximum height of thirty-five (35) feet is permitted with a minimum
20 setback of one hundred (100) feet from an agricultural or rural district.
21
22

23 **Section 050-080. Limitations of uses.**
24

- 25 (A) Accessory dwellings. A single accessory dwelling shall be permitted only
26 for caretaker or security quarters for the property where the dwelling is
27 located, only where customary, and subject to the availability and
28 allocation of a flexibility or reserve unit by ordinance or resolution of Town
29 Council in accordance with the Comprehensive Plan. An accessory
30 dwelling unit shall not exceed fifteen hundred (1,500) square feet in gross
31 floor area or fifty (50) percent of the gross floor area of the building in
32 which the unit is located, whichever is less. Such dwelling unit shall be
33 located within the building to which the dwelling is accessory, in a
34 separate building, or in the MUS districts, in a mobile home.
35
36 (B) *Automobile, truck and sports utility vehicle accessories; sales and*
37 *installation*. All activities associated with facilities for the sale and
38 installation of accessories such as stereos, trim, wheels, wheel covers,
39 bedliners, etc. and including interior vehicle modifications shall be
40 conducted inside an enclosed building.

- 1 (C) *Auto repair garages.* All service and repair activities shall be conducted
2 within an enclosed building. Any building or portion thereof used for
3 automobile repair, including paint and body shops, and any storage area
4 for vehicles being or to be repaired, shall be located at least seventy-five
5 (75) feet from any residential plot. Automobile paint and or body shops
6 shall only be permitted as an accessory use to new vehicle dealerships.
7 Small dent repair not involving the use of painting, sanding, body fillers,
8 chemicals or mechanical equipment shall be considered the same as
9 auto repair garages and shall be permitted in the CB districts.
10
- 11 (D) *Child care centers and pre-schools.* All child care centers and pre-schools
12 shall be designed to accommodate an outdoor play area that is separated
13 and buffered from off-street parking areas, drive aisles, streets and alleys.
14 Such play areas shall be completely enclosed with a fence at least five (5)
15 feet in height.
16
- 17 (E) Maximum floor area within the MUS District. The following uses within the
18 MUS District shall be limited to 5,500 square feet of gross floor area for
19 such individual use:
20 (1) Animal grooming parlor
21 (2) Bank or financial institution
22 (3) Bakery, retail
23 (4) Delicatessen
24 (5) Florist
25 (6) General store, rural
26 (7) Kennel, animal boarding or breeding
27 (8) Offices, business and professional
28 (9) Post office or private mail facility
29 (10) Feed and tack store
30 (11) Package delivery service
31 (12) Restaurant, full-service
32 (13) Veterinary clinic
33 (14) Veterinary hospital
34
- 35 (F) *Gasoline stations.*
36
- 37 (1) The minimum plot size for any gasoline station shall be twenty-two
38 thousand five hundred (22,500) square feet, with a minimum street
39 frontage on each street of one hundred fifty (150) feet.
40
- 41 (2) No gasoline pump island shall be closer than twenty-five (25) feet
42 from any plot line or street line.
43
- 44 (3) Gasoline stations can locate on the same plot with convenience
45 stores, fast food restaurants, automatic drive-through car washes,
46 and automotive repairs, excluding paint and body repairs, and

1 other service uses typically associated with retail gasoline sales. If
2 repairs are performed on the premises, the use shall be subject to
3 Subsection 050-080(D).
4

5 (G) *General store, rural.*
6

- 7 (1) Accessory motor fuel sales is prohibited.
8
9 (2) A rural general store shall carry a balanced inventory of goods for
10 sale, which shall include the following items at a minimum:
11 hardware; confections; household items that consumers use
12 frequently or require on short notice; gifts and crafts, clothing and
13 equestrian supplies; beverages; and, over-the-counter
14 pharmaceutical items.
15
16 (3) A general store must comply with any design requirements
17 adopted by Town Council.
18
19 (4) Freestanding signage may include a sandwich board sign or a
20 monument sign constructed of wood consistent with any adopted
21 design standards.
22
23 (5) Window signage is limited to one "open/closed" sign and the store
24 hours, which signage shall not exceed six (6) square feet in area.
25 (6) Wall signage shall not be backlit, but may be lit by shielded lamp
26 lighting above or below the wall sign consistent with Article 95,
27 "Outdoor Lighting Standards."
28
29 (7) The lettering on signage shall be executed in a font consistent with
30 a traditional western theme.
31

32 (H) *Kennels, animal boarding or breeding.* Boarding or breeding kennels shall
33 not be permitted on any plot which is contiguous to, or which is separated
34 only by a street, alley, canal, or powerline right-of-way from any
35 residential plot, and shall be located at least five hundred (500) feet from
36 a residential plot.
37

38 (I) *Mobile collection centers.*
39

- 40 (1) No mobile collection center shall be closer than five hundred (500)
41 feet from any residential plot, nor closer than one hundred (100)
42 feet from any street.
43
44 (2) The minimum length of any trailer shall be twenty (20) feet and no
45 trailer shall exceed forty (40) feet in length.
46

- 1 (3) Only one (1) trailer shall be located on a single plot.
2
3 (4) One sign shall be permitted, mounted on the outside of the trailer.
4 The sign may state the name of the business, address, telephone
5 number and hours of operation.
6
7 (5) All mobile collection centers, with the exception of mechanical
8 depositories, shall be staffed by at least one (1) employee during
9 hours of operation.
10
11 (6) There shall be a one thousand (1,000) foot separation between
12 mobile collection centers pursuant to Sec. 005-200, "Separations
13 and other measurements."
14
15 (J) *Mobile food units.*
16
17 (1) Mobile food units shall be permitted to remain on private property
18 for the purpose of selling food products for a maximum of one (1)
19 hour, and shall not return to the same location more than three (3)
20 times in any twelve (12) hour period. Person in compliance with all
21 requirements of this Subsection may make sales to occupants of
22 abutting property from vehicles temporarily stationary on a street
23 only during the time they are actively making such sales, providing
24 not impediment or hazard to vehicular or pedestrian traffic is
25 created.
26 (2) Mobile food units may be permitted on private property with the
27 written authorization of the property owner. Only one (1) unit shall
28 be permitted on any individual plot. Such units shall not remain at
29 any location for more than eight (8) consecutive hours.
30
31 (3) The owner of a mobile food unit shall obtain a certificate of use. At
32 the time of application for the certificate of use, the applicant shall
33 submit proof of compliance with applicable state laws and proof of
34 general liability insurance coverage in the minimum amount of
35 three hundred thousand dollars (\$ 1,000,000.00), which includes
36 product liability coverage, which shall be maintained for the
37 duration of business operations within the Town.
38
39 (K) *Parts stores, retail.* All storage and display of parts shall be inside a
40 building. No vehicle parts salvage operations shall be permitted.
41
42 (L) *Restaurants, fast food.* Outside play areas for children provided at fast
43 food restaurants shall be enclosed by walls or fences. The wall or fence
44 design must be compatible in design, materials and color with the main
45 structure. Between any such area and adjoining sidewalks, parking
46 spaces or other vehicular use areas, a landscape strip of no less than five

(5) feet shall be provided containing trees and shrubs maintained at three (3) feet minimum height. Play equipment shall be limited to a maximum height of ten (10) feet or the height of the building fascia, whichever is lower. There shall be no access to or from the play area except through the interior of the restaurant.

(M) *Skateboard facilities and skating rinks.* Only indoor skateboard facilities and skating rinks shall be permitted in CB District.

(N) *Swimming pool supplies.* Except for bulk quantities of sodium hypochlorite, all swimming pool chemicals, including pre-packaged chemicals, shall be dispensed strictly through retail sales and shall be stored within a completely enclosed structure.

(O) *Trade or vocational schools.* Trade or vocational schools involving vehicle or equipment repair instruction shall be on a plot which is at least three hundred (300) feet from any residential plot.

(P) *Veterinary hospital.* Veterinary hospitals shall not be permitted on any plot which is contiguous to a residential plot or which is separated from a residential plot only by a street, alley, powerline right-of-way, or canal, and shall be located at least five hundred (500) feet from a residential plot.

(Q) *Warehouses, self-storage.*

(1) Self-storage warehouses shall only be used for self-service storage. No businesses shall be permitted to operate from, or be licensed at, the facility. No personal activities, such as but not limited to, hobbies, arts and crafts, woodworking, repair, restoration, or maintenance of vehicles, machinery or equipment, etc. shall be permitted.

(2) Outside storage areas for boats and vehicles shall be located on the interior of the facility, not visible from any adjacent property or street.

(3) Storage bay doors on any perimeter building shall not face any abutting property located in an agricultural or rural zoning district.

1
2 **Section 050-090. B-3 District repealed; replaced with CB District.**
3

4 The B-3, Intense Commercial Business District is hereby repealed and replaced
5 with the CB, Community Business District. All lands zoned B-3 are hereby
6 rezoned and redesignated CB as of the date of adoption of the ULDC.
7

8 **ARTICLE 55. M, MANUFACTURING AND INDUSTRIAL DISTRICT.**
9

10 **Section 055-010. Purpose and intent of district.**
11

- 12 (A) The M, Manufacturing and Industrial District, is intended for
13 manufacturing and industrial uses, some of which involve the use,
14 handling and storage of hazardous materials, or require a substantial
15 amount of open air storage area. The M district shall not be located
16 within one thousand (1,000) feet of any existing agricultural or rural
17 zoning district and is not appropriate in proximity to existing commercial
18 business districts or community facility districts. Any property zone M
19 district should be surrounded by other properties with existing industrial or
20 utility zoning.
21
22

23 **Section 055-020. M-4 District repealed.**
24

25 The M-4 District is hereby repealed and replaced with the M, Manufacturing and
26 Industrial District. All lands zoned M-4 are hereby rezoned and redesignated M
27 as of the date of adoption of the ULDC.
28
29

30 **Section 055-030. General provisions.**
31

- 32 (A) *Alcoholic Beverage Establishments.* Any establishment selling or
33 dispensing alcoholic beverages or allowing on-premises consumption of
34 alcoholic beverages must comply with all requirements of Article 25,
35 "Alcoholic Beverage and Adult Entertainment Establishments."
36
37 (B) *Dumpsters and dumpster enclosures* shall be provided in accordance
38 with Sec. 015-070, "Dumpster enclosures."
39
40 (C) *Landscaping and buffers.* All buildings and uses shall provide
41 landscaping and buffers in accordance with Article 75, "Landscaping."
42
43 (D) *Off-street parking.* All buildings and uses shall provide off-street parking,
44 loading areas and lighting in accordance with Article 80, "Off-street
45 Parking and Loading Requirements."
46

- 1 (E) *Yards and plot dimensions.*
2
3 (1) No minimum yard is required for the construction or erection of any
4 building or structure except where a landscape buffer is required
5 by Article 75, "Landscaping."
6
7 (2) Plots with cul-de-sac frontage shall comply with the frontage
8 requirement of Sec. 090-070, "Lots."
9
10 (3) The frontage of a plot along an arterial shall comply with Sec. 090-
11 080(B), "Access to development."
12
13 (F) *Fences, walls and hedges.* Maximum height of fences and walls is ten
14 (10) feet, except for penal institutions or detention facilities, which shall
15 not be subject to a maximum fence or wall height limitation. The use of
16 barbed wire, razor wire or electrified fencing abutting existing zoning
17 districts other than industrial and utility districts is prohibited. Fences,
18 walls and hedges may be required for buffering and screening purposes
19 under Article 75, "Landscaping," and as otherwise required herein. There
20 shall be no height limitation for hedges.
21
22 (G) *Signs.* All buildings and uses shall be subject to provisions in Article 70,
23 "Signs."
24
25 (H) *Use of premises without buildings.* Except for vehicle, equipment or bulk
26 material storage yards, all permitted uses shall be conducted from a
27 building on the plot which building shall be a minimum of one hundred fifty
28 (150) square feet in area and shall contain permanent sanitary facilities.
29
30 (I) *Use of residential streets and residentially zoned property for access.* No
31 privately owned land or public or private street upon which residentially
32 zoned properties directly abut shall be used for driveway or vehicular
33 access purposes to any plot in the M District.
34
35 (J) *Wireless communication facilities.* Wireless communication facilities shall
36 be subject to provisions in Article 40, "Telecommunications Towers and
37 Antennas."
38
39 (K) *Definitions.* Terms used herein are defined in Article 010, "Definitions."
40
41 (L) *Nonconforming buildings, uses and plots.* Any building, use or plot that
42 has been established as nonconforming, or which becomes
43 nonconforming, shall be subject to provisions of Article 30,
44 "Nonconforming Uses, Structures and Plots."
45

- (M) *Property maintenance.* Buildings and properties in the M District shall be maintained in accordance with Article 20, "Property Maintenance and Junk or Abandoned Property."
- (N) *Storage yards.* Open air storage shall be delineated on an approved site plan.
- (O) *Miscellaneous provisions.* In addition to the general provisions herein, buildings, uses and properties shall be subject to the requirements of Article 15, 'General Provisions.'

Section 055-040. Permitted and prohibited uses.

Permitted principal uses shall be limited to those uses specified in the Master Business List, and uses determined by the Town Administrator to be similar to a permitted use in terms of use type, intensity and compatibility with adjacent uses. All other uses shall be prohibited. All permitted uses shall be subject to Sec. 055-080, "Limitations of uses." Specific subsection references for Sec. 055-080 are included in the Master Business List.

Master Business List

P= Permitted C= Conditional A= Accessory use only

Conditional use regulations are found in Article 35, "Conditional Uses."

Use

Accessory dwellings (caretaker or security quarters)	
[see Section 055-080(A)]	A
Acid and corrosives manufacturing or storage	P
Adult entertainment establishment [see Chapter 20, Article XVI, and ULDC Article 25]	P
Airports, heliports and other transportation facilities	P
Ammunition reloading (handguns)	P
Assembly (pre-manufactured components)	P
Asphalt manufacturing from raw materials	P
Automobile, truck and equipment auctions	P
Automobile detailing or cleaning (other than car washes)	P
Automobile repair garage (mechanical, paint or body repairs)	
[see Section 055-080(B)]	P
Automobile storage or transport facility (operable vehicles)	P
Automobile, truck and recreational vehicle salvage or wrecking yards [see Section 055-080(C)]	P
Aviation related uses (sales of planes, parts, ground support	

1	equipment, repairs and maintenance)	P
2	Boarding or breeding kennel	P
3	Boat sales	P
4	Boat building, repair and storage	P
5	Breweries and bottling facilities	P
6	Building and construction materials manufacturing and storage	P
7	Cabinet shops, woodworking shops	P
8	Catering or food delivery service	P
9	Chemical and acid manufacturing or storage and distribution	P
10	Clothing manufacturing	P
11	Concrete batching or mixing	P
12	Concrete products manufacturing	P
13	Contractors shops and storage yards	P
14	Cosmetics and pharmaceuticals manufacturing	P
15	Courier service	P
16	Crematory for human or animal remains (no medical wastes)	P
17	Dry-cleaning and laundry plant	P
18	Electronics manufacturing and repair	P
19	Employment agency, day labor	P
20	Equipment rental and sales, commercial and contractor's	P
21	Essential services (utilities and accessory structures)	P
22	Fabrics (canvas, textiles and vinyl) manufacturing	P
23	Fertilizer, compost and mulch compounding, storage	
24	and distribution	P
25	Food processing, packaging and distribution including meat	
26	Packing (no slaughtering)	P
27	Furniture manufacturing	P
28	Glass and mirror shop	P
29	Hazardous materials storage, handling or manufacture not	
30	otherwise listed	P
31	Laboratory (medial, dental, research and development)	P
32	Machine shop	P
33	Medical waste transfer station	P
34	Medical waste incineration or sterilization	P
35	Metal manufacturing (from raw materials)	P
36	Mobile collection center [see Sec. 055-080(D)]	P
37	Mobile food unit [see Sec. 055-080(E)]	C
38	Motor freight terminal or moving and storage company	P
39	Offices and showrooms [see Sec. 055-080(F)]	A
40	Outdoor events (see Sec. 035-040, "Outdoor event permits.")	C
41	Packaging and delivery service	P
42	Paint, sealant, coating or adhesive manufacturing	P
43	Paper and cardboard products manufacturing (from	
44	pre-manufactured paper or cardboard)	P
45	Paper, cardboard and plastic manufacturing (from raw materials)	P
46	Parts store, vehicles or boats [see Sec. 055-080(G)]	P

1	Penal institutions and detention centers [see Sec. 055-080(H)]	P
2	Pest control service	P
3	Petroleum product manufacturing (from pre-manufactured plastic or vinyl)	P
4	Plastic and vinyl product manufacturing (from pre-manufactured	
5	plastic or vinyl)	P
6	Printing and engraving, bookbinding	P
7	Recording or broadcasting studio (music, radio, televisions, film)	P
8	Recycling facility [see Sec. 055-080(I)]	P
9	Repair shop, household and personal items	P
10	Restaurant [see Sec. 055-080(J)]	A
11	Sanitation companies and waste haulers [see Sec. 055-080(K)]	P
12	School, trade or vocational	P
13	Septic tank service	P
14	Sign manufacturing and painting	P
15	Swimming pool chemicals [see Sec. 055-080(L)]	P
16	Synthetic materials (not otherwise listed) manufacturing	
17	from raw material	P
18	Tool rental (small tools and equipment)	P
19	Transportation facilities (airports, heliports, shipping ports, etc.)	P
20	Trash transfer station	P
21	Upholstery shop	P
22	Vehicle sales, rental or leasing (autos, trucks, recreational)	P
23	Veterinary clinic	P
24	Veterinary hospital	P
25	Warehouse, self-storage [see Sec. 055-080(M)]	P
26	Warehouse, distribution	P
27	Welding and sheet metal shops, machine shops	P
28	Wholesale stores	P
29	Wireless communication facilities [see Article 40, Telecommunication	P
30	Towers and Antennas.”	

Section 055-050. Plot size.

Minimum plot size is five (5) acres unless a larger area is indicated for a particular use under Section 055-080, “Limitation of uses.”

Section 055-060. Pervious area, floor area ratio and plot coverage.

- (A) The minimum pervious area shall be determined by the stormwater drainage and retention requirements of the applicable drainage district.
- (B) *Maximum floor area ratio:* one half (0.50).
- (C) *Maximum plot coverage:* fifty percent (50%).

1
2 **Section 055-070. Height.**
3

4 A building or structure may be constructed to a maximum height of one-hundred
5 (100) feet.
6
7

8 **Section 055-080. Limitations of uses.**
9

10 (A) *Accessory dwellings.* A single accessory dwelling shall be permitted only
11 for caretaker or security quarters for the property where the dwelling is
12 located. An accessory dwelling unit shall not exceed fifteen hundred
13 (1,500) square feet in gross floor area or fifty (50) percent of the gross
14 floor area of the building within which the unit is located, whichever is
15 less. Such dwelling unit must be located within the building to which the
16 dwelling is accessory.
17

18 (B) *Auto repair garages.* Any outside areas used for repairs shall be
19 considered additional work bays which shall be delineated on the
20 approved site plan and which shall require the appropriate amount of off-
21 street parking.
22

23 (C) *Automobile, truck and recreational vehicle salvage or wrecking yards.*
24

25 Required off-street parking shall be maintained on the perimeter of any
26 area used for salvage operations, display or storage of parts or vehicles,
27 and shall comply with all requirements of Article 80, "Off-street Parking
28 and Loading." No salvaged vehicles or parts, or any other scrap or
29 salvaged materials shall be stored in such a manner that exceeds the
30 height of the enclosing wall required in Sec. 075-070, "Nonresidential
31 perimeter and vehicular use area landscape requirements."
32

33 (D) *Mobile collection centers.*
34

- 35 (1) No mobile collection center shall be closer fifty (50) feet from any
36 street.
37 (2) The minimum length of any trailer shall be twenty (20) feet and no
38 trailer shall exceed forty (40) feet in length.
39 (3) Only one (1) trailer shall be located on a single plot.
40 (4) Only one (1) sign shall be permitted, mounted on the outside of the
41 trailer. The sign may state the name of the business, address,
42 telephone number and hours of operation.
43 (5) All mobile collection centers, with the exception of mechanical
44 depositories, shall be staffed by at least one (1) employee during
45 hours of operation.

- 1 (6) There shall be a one thousand (1,000) foot separation between
2 mobile collection centers measured pursuant to Sec. 005-200,
3 "Separations and other measurements."
4
- 5 (E) *Mobile food units.*
6
- 7 (1) Mobile food units shall be permitted to remain on private property
8 for the purpose of selling food products for a maximum of one (1)
9 hour, and shall not return to the same location more than three (3)
10 times in any twelve (12) hour period. Persons in compliance with
11 all requirements of this subsection may make sales from mobile
12 food units to occupants of abutting property while temporarily
13 stationary on a street actively making such sales, providing no
14 impediment or hazard to vehicular or pedestrian traffic is created.
15
- 16 (2) Mobile food units may be permitted on private property with the
17 written authorization of the property owner(s). Such units may not
18 remain at one location for more than eight (8) consecutive hours.
19 Only one (1) unit shall be permitted on any individual plot.
20
- 21 (3) The owner of a mobile food unit shall obtain a certificate of use,
22 which shall be renewable on an annual basis. At the time of
23 application for the certificate of use, and for each subsequent
24 renewal, the applicant shall submit proof of general liability
25 insurance coverage in the minimum amount of three hundred
26 thousand dollars (\$ 1,000,000.00) which includes product liability
27 coverage.
28
- 29 (F) *Offices and showrooms.* Offices and showrooms shall be permitted only
30 as an accessory use. Office and showroom space shall not exceed thirty
31 (30) percent of the gross floor area of the principal use. All office and
32 showroom space shall be within the principal building.
33
- 34 (G) *Parts stores, vehicles and boats.* No vehicle parts salvage operations
35 shall be permitted except in a salvage or wrecking yard.
36
- 37 (H) *Penal institutions and correctional facilities.*
38
- 39 (1) *Minimum distance separation:* two thousand five hundred (2,500) feet
40 from any plot in an agricultural or rural district.
41 (2) *Maximum size:* seven hundred fifty (750) beds and one hundred
42 thousand (100,000) square feet of gross floor area.
43 (3) *Minimum plot size:* twenty (20) acres.
44
- 45 (I) *Recycling facilities.* All materials stored, handled or repackaged on the
46 premises shall either be in containers or stored within a building.

1
2 (J) *Restaurants.*

3
4 (1) Restaurants shall only be permitted as an accessory use to an
5 industrial complex and shall be located within the principal building
6 on the premises occupying not more than ten (10) percent of the
7 gross floor area.

8
9 (2) Such accessory uses shall comply with separation requirements
10 specified in Article 25, "Alcoholic Beverage and Adult
11 Entertainment Establishments," if applicable, except that the
12 separation between alcoholic beverage establishments shall not be
13 less than one thousand (1,000) feet.

14
15 (3) Outside play areas for children shall not be permitted.

16
17 (K) *Sanitation companies.* All dumpsters, waste containers and sanitation
18 vehicles shall be emptied prior to storage on the plot.

19
20 (L) *Swimming pool chemicals.* All swimming pool chemicals, including pre-
21 packaged chemicals, but except bulk quantities of sodium hypochlorite,
22 shall be dispensed and stored within a structure or enclosure approved by
23 the Department of Planning and Environmental Protection.

24
25 (M) *Warehouses, self-storage.*

26
27 Self-storage warehouses shall only be used for self-service storage. No
28 businesses shall be permitted to operate from, or be licensed at, the
29 facility. No personal activities, such as, but not limited to, hobbies, arts
30 and crafts, woodworking, repair, restoration, or maintenance of vehicles,
31 machinery or equipment, etc. shall be permitted.

32
33
34 **ARTICLE 60. COMMUNITY FACILITY DISTRICT**

35
36
37 **Section 060-010. Purpose and intent of district.**

38
39 The CF, Community Facility District, is intended to accommodate land uses
40 providing governmentally owned or operated services and facilities, and a limited
41 range of privately owned and operated services and facilities necessary to serve
42 the Southwest Ranches community or meet the needs of a particular
43 neighborhood. The CF District shall apply only to properties with frontage on,
44 and access to, Griffin Road, Sheridan Street, U.S. Highway 27 and Flamingo
45 Road, provided the Council may waive the access requirement if the Florida
46 Department of Transportation or Broward County Engineering Department, as

1 applicable, denies access to one of the listed roadways, and further provided
2 that a non-Trafficway street allows for alternative access that the Council
3 determines will not negatively impact an adjacent residential area accessing the
4 same street. The CF District is not intended for application to interior residential
5 areas, except as necessary to accommodate Town uses and facilities.
6
7

8 **Section 060-020. General provisions.**
9

- 10 (A) *Definitions.* Terms used within this Article are defined in Article 10,
11 "Definitions of Terms."
12
- 13 (B) *Dumpsters and dumpster enclosures* shall be provided in accordance with
14 Section 015-070, "Dumpster Enclosures."
15
- 16 (C) *Landscaping.* Except for portions of plots used for farm operations, all
17 structures and uses shall provide landscaping in accordance with Article
18 75, "Landscaping."
19
- 20 (D) *Nonconforming uses and structures.* Any use or structure which has been
21 established as a nonconforming use or structure, or which becomes a
22 nonconforming use or structure, shall be subject to provisions of Article 30,
23 "Nonconforming uses, structures and plots," except as follows. Existing
24 facilities rezoned to the CF District by Town Ordinance No. 2003-01 shall
25 be considered legal, conforming uses even if they do not satisfy minimum
26 distance separation, minimum or maximum plot area, or dimensional
27 requirements.
28
- 29 (E) *Off-street parking.* All structures and uses shall provide off-street parking,
30 loading areas and lighting in accordance with Article 80, "Off-street Parking
31 and Loading."
32
- 33 (F) *Property maintenance.* All structures and properties shall be maintained in
34 accordance with standards provided in Article 20, "Property Maintenance
35 and Junk or Abandoned Property."
36
- 37 (G) *Required yards and plot dimensions.*
38
- 39 (1) Fifty (50) feet along any street line;
40
- 41 (2) Twenty-five (25) feet from any interior side property line;
42
- 43 (3) Fifteen (15) feet from the rear property line
44

- (4) Fifty (50) feet from any residential plot line, except for Town uses. A landscape buffer as required by Article 75, "Landscaping," shall be provided within the yard.
- (5) The yards required by this Section shall also apply to those lands that abut another municipal jurisdiction. Such yards shall be applied in the same manner as if the abutting lands were within the Town.
- (6) Any building or roofed structure, pen or coop or fish breeding tank used for the shelter, housing, or keeping of animals, birds, fowl, poultry or fish shall be located not less than fifty (50) feet from any plot line. To the extent that a farm applicant needs to decrease the required yard, the farm applicant must follow the review procedures set forth in Article 155, "Administrative Farm Claim Determinations." The farm applicant must demonstrate that the requirement prohibits, restricts, or otherwise limits a generally accepted farming practice. If a farm is granted a yard reduction it shall have a buffer consisting of an opaque fence or wall, hedge or berm to a minimum height of six (6) feet.
- (7) Plots with cul-de-sac frontage shall comply with the frontage requirement of Section 090-070, "Lots."
- (8) The frontage of a plot along an arterial shall comply with Section 090-080(B), "Access to development."
- (H) *Fences, walls and hedges* may be erected or planted and maintained to a maximum height of eight (8) feet. The use of barbed wire, razor wire or electrified fencing shall be prohibited. Fences on farms shall be governed by Chapter 588, Florida Statutes, as may be amended from time to time.
- (I) *Signs*. Installation and maintenance of signs shall be subject to compliance with Article 70, "Signs,"
- (J) *Animals*. Breeding, raising or keeping of animals shall be permitted as follows:
- (1) One (1) animal for each ten thousand (10,000) square feet of plot area. Said restriction on the number of animals, however, shall not apply to household pets as defined in Article 10, "Definition of Terms" of this Code. Provided that the livestock are not a nuisance pursuant to Florida Statutes §823.14, as may be amended from time to time, the number and types of livestock shall not be restricted on farms in the CF District. Said nuisance determination may also be made by the Town's Special Master who shall consider section 823.14 F.S., as may be amended from time to time, case law, and the Best

Management Practices of the Water Management District and the Department of Agriculture.

(2) Poultry.

(3) In addition to the animals in paragraphs (1) and (2) above, the following may be kept on a plot containing a permanent dwelling:

a. A total of twenty-five (25) birds and fowl, provided such birds or fowl are kept in an enclosure that is at least fifty (50) feet from any plot line;

b. Dogs, cats and other household pets; and

c. Wildlife pets as permitted and licensed by the State of Florida.

(4) Offspring under the normal weaning age for the species shall not be included in calculating the number of animals.

(5) On plots exceeding four and one-half (4.5) acres in net area, one (1) additional animal shall be permitted for each ten thousand (10,000) square feet of plot area, if all animals are sheltered, not including hogs and household pets.

(6) Agricultural uses with livestock or other animals shall fence all areas where animals are allowed access to prevent the animals from accessing streets or adjacent properties

(K) *Use of residentially zoned property for access.* No privately owned land within the agricultural or rural districts shall be used for driveway or vehicular access purposes to any plot in the Community Facility District unless required for Town facilities.

(L) *Wireless communication facilities.* Wireless communication facilities shall be subject to Article 40, "Telecommunication Towers and Antennas."

(M) *Miscellaneous provisions.* In addition to general provisions herein, development within the CF District shall be subject to Article 15, "General Provisions."

Section 060-030. Permitted uses.

Permitted uses in the Community Facilities District shall be limited to those uses specified in the Master Use List. All permitted uses shall be governmentally owned ("public") or operated, or not-for-profit unless otherwise specified. Uses

are subject to Section 060-090, "Limitations of uses." Specific subsection references are included in the following Master Use List.

Master Use List

P = Permitted C = Conditional Use A = Accessory Use Only

Use

Accessory dwelling [see Sec. 060-090(A)]	A
Agricultural uses [see Sec 060-020(I), "Animals"]	P
Cemeteries [see Sec. 060-090(B)]	P
Cemeteries accessory to a place of worship [see Sec. 060-090(B)]	A,C
Civic center, incl. library, museum, art gallery and other such exhibitions	P
Community residential facilities [see Sec. 060-090(C)]	P
Day care or preschool, accessory to place of worship or primary school only	A
Essential services	P
Fire protection facilities	P
Funeral Home accessory to a cemetery	A
Governmental administration offices	P
Outdoor events [see Sec. 035-040, "Outdoor Event permits"]	C
Parks, public	P
Places of worship [see Sec. 060-060]	P
Police protection facilities	P
School, primary and secondary, public or private [see Sec. 060-090 (D)]	C
Wireless communication facilities [see Article 40, "Telecommunication Towers and Antennas"]	P

Section 060-040 Prohibited uses.

Any use which is not specifically listed, or which by inference is not listed in Sec. 060-040 is prohibited.

Section 060-050. Distance separation.

All uses within the CF District except for public parks, public safety facilities and Town facilities and uses shall be permitted only on properties located a minimum

1 distance of one thousand (1,000) feet from any other property with CF zoning
2 and any nonresidential, non-agricultural land use, measured pursuant to Sec.
3 005-200, "Separations and other measurements." Any person or entity seeking
4 to rezone property to the CF District for a use regulated under this section shall
5 furnish to the Town a special purpose survey sealed by a land surveyor certified
6 to the State of Florida, indicating the distance between the property proposed for
7 rezoning to the CF District and any property with existing CF District zoning.

8
9
10 **Section 060-060. Plot size and frontage.**

11
12 (A) The minimum plot size shall be one net acre with one hundred twenty-five
13 (125) feet of property frontage on a roadway designated in Sec. 060-010
14 for community facilities, except as follows:

15
16 (1) A lift station may be located on a plot seven thousand five hundred
17 (7,500) square feet or more in area and seventy-five (75) feet or more
18 wide.

19
20 (2) An electrical transformer substation and switching station may be
21 located on a plot not less than two (2) net acres in area.

22
23 (3) Public parks and wireless communication facilities shall be exempt
24 from minimum plot size requirements.

25
26 (B) The maximum plot size shall be five (5) gross acres for all uses except for
27 cemeteries, parks, and primary and secondary public schools, which shall
28 not be subject to a maximum plot size requirement.

29
30
31 **Section 060-070. Plot coverage, floor area ratio and pervious area.**

32
33 (A) *Maximum plot coverage.* Properties that have a Community Facilities land
34 use plan designation and had a zoning designation of I-1 prior to May 9,
35 2002, shall have a maximum plot coverage of thirty-five percent (35%). All
36 other properties shall be limited to the plot coverage allowed in the most
37 restrictive of the abutting zoning districts.

38
39 The plot coverage limitation shall not apply to any buildings used for
40 growing plants, including but not limited to shade houses, greenhouses,
41 and hydroponics nurseries. To the extent that a farm applicant needs to
42 exceed the maximum plot coverage, the farm applicant must follow the
43 review procedures set forth in Article 155, "Administrative Farm Claim
44 Determinations." The farm applicant must demonstrate that the
45 requirement prohibits, restricts, or otherwise limits a generally accepted
46 farming practice.

(B) *Maximum floor area ratio.* Properties that have a Community Facilities land use plan designation and had a zoning designation of I-1 prior to May 9, 2002, shall have a maximum floor area ratio of thirty-five one hundredths (0.35). All other properties shall be limited to a floor area ratio of one-quarter (0.25).

(C) *Minimum pervious area:* forty percent (40%) of the net plot area.

Section 060-080. Height.

The maximum height of buildings and structures (except telecommunication towers and antennas) is thirty-five (35) feet, except that non-habitable structures within cemeteries shall not exceed twenty (20) feet in height. To the extent that any farm applicant needs to exceed the maximum height, the farm applicant must follow the review procedures set forth in Article 155, "Administrative Farm Claim Determinations." The farm applicant must demonstrate that the requirement prohibits, restricts, or otherwise limits a generally accepted farming practice.

Section 060-090 Limitations of uses.

(A) *Accessory dwellings.* One (1) accessory dwelling per property is permitted for a caretaker or security quarters for cemeteries and properties with a principal agricultural use, and a rectory is permitted accessory to a place of worship, subject to the rules and regulations for flexibility and reserve units in the Town's Comprehensive Plan, when applicable. Each dwelling unit shall not exceed one thousand five hundred (1,500) square feet in gross floor area or fifty percent (50%) of the gross floor area of the building in which the unit is located (if applicable), whichever is less, and shall not be less than four hundred (400) square feet in gross floor area.

(B) *Cemeteries.*

(1) In addition to requirements herein, cemeteries shall comply with requirements in Chapter 497, F.S., "Florida Funeral and Cemetery Services Act," as may be amended from time to time.

(2) Cemeteries shall require a minimum plot size of thirty (30) acres, except that cemeteries accessory to a place of worship are permitted on smaller plots, and shall not include any mausoleum or other burial structure. All applications for cemeteries accessory to a place of worship shall be accompanied by an application fee and a site plan, and are subject to approval by the Town Council after a public hearing

1 noticed in accordance with the requirements for site plan approval in
2 Article 100, "General Application Submittal Requirements and Notice
3 Procedures." The Town Council may approve the application only
4 upon finding that: the proposed cemetery is compatible with the
5 existing natural environment and other properties in the vicinity; that
6 there will be adequate provision for safe vehicular and pedestrian
7 movement in the area that will serve the use; that the site plan
8 provides adequate design, including yards and buffering in order to
9 control any adverse effects of noise, light, dust and other potential
10 nuisances; and, that the land area is sufficient, appropriate and
11 adequate for the use as proposed.
12

13 (3) Mausoleums and other burial structures shall be located at least one
14 hundred fifty (150) feet from streets and at least fifty (50) feet from any
15 other plot line.
16

17 (4) Prior to approval of any development order for a cemetery, the
18 applicant shall provide documentary proof from the Broward County
19 Health Department that the proposed cemetery will meet all state and
20 county health standards.
21

22 (5) One (1) funeral home shall be permitted within a cemetery as an
23 accessory use.
24

25 (C) *Community residential facilities.* Density for community residential facilities
26 shall be calculated pursuant to Section XVI of the adopted Town of
27 Southwest Ranches Future Land Use Plan, Implementation Requirements.
28 If the proposed facility is not within an area designated residential by the
29 Future Land Use Plan Map, any such proposed facility will be subject to
30 availability and allocation of flexibility or reserve units as provided by the
31 Future Land Use Element of the Comprehensive Plan.
32

33 (D) Schools shall be permitted only as an accessory use to a place of worship,
34 except under any of the following three circumstances whereby schools
35 shall be permitted as a principal use:
36

37 (1) The property had an I-1 District zoning classification prior to the
38 adoption of Town Ordinance No. 2003-01, which repealed the I-1
39 District and changed the zoning classification of properties with
40 such zoning to CF zoning hereunder. This exception is made in
41 recognition that the I-1 District permitted schools as a principal
42 use. It is also noted that properties with an I-1 District zoning
43 classification overlaid a Community Facility Future Land Use Plan
44 Designation (see paragraph (3), below).
45

46 (2) The property had a CF District zoning designation as of the date of
adoption of the ULDC; and

- 1
2 a. Is owned by the Broward County School Board; or
3 b. Is identified for acquisition, improvement and/or construction
4 for school purposes within the Broward County School
5 Board's Adopted District Education Facilities Plan for Fiscal
6 Years 2004-05 to 2008-09. This exception is made in
7 recognition of budgetary plans and expenditures made by
8 the Broward County School Board for construction of
9 schools within the Town.

- 10
11 (3) The property, as of adoption of the ULDC or at some future date,
12 has both a CF District zoning designation and a Community
13 Facilities Future Land Use Plan Map designation. The purpose of
14 this provision is to recognize a difference in permitted intensity of
15 use between the CF District overlaying Rural, Estate or Agricultural
16 Future Land Use Plan designations, and the CF District overlaying
17 the Community Facilities Future Land Use Plan designation.
18

19 **Section 060-100. Discontinuance of farm operations in the CF zoning**
20 **District.**
21

22 In the event a plot in the CF zoning district is not used for farm operations for a
23 period of one (1) year, all buildings and structures shall meet all requirements of
24 this Article.
25

1
2 **ARTICLE 65. RECREATION AND OPEN SPACE DISTRICT.**
3

4 **Section 065-010. Purpose and intent.**
5

6 The OSR, Open Space Recreation District, is intended for public outdoor
7 recreational activities and/or preservation of open space. Limited recreational
8 facilities and recreational accessory uses may be located within a building on the
9 same premises. The functional characteristics of the OSR District may be
10 appropriate for location within, or in proximity to, residential areas.
11

12
13 **Section 065-020. General provisions.**

14 (A) *Definitions.* Terms used within this Article are defined in Article 10,
15 "Definitions of Terms."

16 (B) *Dumpsters and refuse containers.*

17 (1) Dumpsters located in any OSR District shall only be located on plots
18 where an accessory building is located. Such dumpsters shall be kept
19 within opaque or translucent enclosures and shall not be located
20 within any required yard or buffer. Dumpsters and dumpster
21 enclosures shall be provided in accordance with Sec. 015-070,
22 "Dumpster enclosures."
23

24 (2) Trash receptacles shall be supplied in all areas the Town determines
25 are active recreation areas, open to the public. The Town shall
26 determine the appropriate number and spacing of such receptacles
27 based upon the characteristics of the recreation area and anticipated
28 draw and usage patterns.

29 (C) *Landscaping.* All buildings, structures and uses shall provide landscaping in
30 accordance with Article 75, "Landscaping," except that no perimeter
31 landscape buffer shall be less than twenty-five (25) feet in depth.

32 (D) *Nonconforming structures, uses and plots.* Any structure, use or plot that
33 has been established as nonconforming, or which becomes
34 nonconforming, shall be subject to provisions of Article 30, "Nonconforming
35 Uses, Structures and Plots."

36 (E) *Off-street parking.* All buildings and uses shall provide off-street parking,
37 loading areas and lighting in accordance with Article 80, "Off-street Parking
38 and Loading Requirements."

39 (F) *Property Maintenance.* All buildings and properties shall be maintained in
40 accordance with standards provided in Article 20, "Property Maintenance
41 and Junk or Abandoned Property."

(G) *Fences, walls and hedges.* Fences, walls and hedges may be erected or planted and maintained to a maximum height of eight (8) feet. The use of barbed wire, razor wire or electrified fencing shall be prohibited.

(H) *Signs.* Signs shall be subject to provisions in Article 70, "Sign Regulations."

(I) Except for boating, botanical gardens, bridle paths, municipal parks, community gardens, foot or bicycle paths, essential services, nature trails, water areas and wireless communication facilities, all plots occupied by permitted uses shall provide a permanent building at least one hundred fifty (150) square feet in floor area, containing an office and sanitary facilities.

(J) All provisions of Article 15, "General provisions," shall apply to the OSR District.

Section 065-030. Permitted uses.

Permitted uses in the OSR District shall be limited to those uses specified in the Master Use List and similar recreation uses thereto, as determined by the Town Council. All uses shall be subject to Section 065-080, "Limitations of uses." Specific subsection references are included in the following Master Use List.

P = Permitted

C = Conditional Use

Conditional uses are subject to the provisions of Article 35, "Conditional uses."

<u>Use</u>	<u>OSR</u>
Public or privately owned park, including but not limited to:	
Archery range [see Sec. 065-080(A)]	P
Boating	P
Botanical garden	P
Bridle, foot or bicycle path	P
Essential services, excluding power transformer substations	P
Fishing pier or dock	P
Nature trail	P
Nonprofit neighborhood social and recreational facilities [see Sec. 065-080(C)]	P
Outdoor Events [see Sec. 035-040 under Conditional Uses]	C
Park, public or private	P
Water area (lake, pond)	P
Wireless communication facilities [see Article 40, "Telecommunication Towers and Antennas"]	P

1 **Section 065-040. Prohibited uses.**

2
3 Any use not specifically, or by inference, listed in the Master Use List shall be
4 prohibited.

5
6
7 **Section 065-050. Plot coverage.**

8
9 Except as specified in Section 065-080, "Limitations of uses," the maximum plot
10 coverage by buildings or other roofed structures shall be five percent (5%).
11

12
13 **Section 065-060. Height.**

14
15 No building or structure shall exceed twenty (20) feet in height, except wireless
16 communication facilities, or as permitted in Sec. 015-030, "Exclusions from
17 height limits."
18

19
20 **Section 065-070. Required yards and plot dimensions.**

- 21
22 (A) No off-street parking facility shall be located within twenty-five (25) feet of
23 any residential plot in separate ownership.
24
25 (B) No building or structure, except permitted fences or walls, shall be located
26 within fifty (50) feet of any residential plot, nor within fifty (50) feet of any
27 street line.
28
29 (C) Plots with cul-de-sac frontage shall comply with the frontage requirement of
30 Section 090-070, "Lots."
31
32 (D) The frontage of a plot along an arterial shall comply with Section 090-
33 080(B), "Access to development."

1
2 **Section 065-080. Limitations of uses.**
3

- 4 (A) *Archery ranges.* Target areas for archery ranges shall be at least one
5 hundred fifty (150) feet from any plot line and shall provide barriers
6 sufficient to preclude any intrusion of such activities upon adjacent
7 properties.
- 8 (B) *Nonprofit neighborhood social and recreational facilities.* Nonprofit
9 neighborhood social and recreational facilities located on plots less than
10 five (5) acres may increase the maximum plot coverage by buildings and
11 roofed structures to a maximum of forty percent (40%).
- 12 (C) Swimming pools shall be enclosed with a fence or wall a minimum of five
13 (5) feet in height above the ground, measured from the outside of the
14 fence. Fences or walls shall be of such a design and material as will
15 prevent unauthorized access to the pool area. All gates must be equipped
16 with self-closing, self-latching mechanisms. All fences and gates shall
17 comply with all requirements of the Florida Building Code pertaining to
18 required barriers around public swimming pools.
19
20

21 **ARTICLE 70. SIGN REGULATIONS.**
22
23

24 **Section 070-010. Purpose, intent and scope.**
25

26 The purpose of this Article is to create the framework for a comprehensive but
27 balanced system of sign control for the Town of Southwest Ranches, Florida,
28 thereby facilitating clear and pleasant communications. It is the belief of the
29 Town Council that the nature of signs is to provide an index to needed goods
30 and services. It is the intention of this Article to develop specific sign criteria
31 which:
32

- 33 (A) Are compatible with their surroundings;
34
35 (B) Are legible under circumstances in which they are seen;
36
37 (C) Are expressive of the identity of individual businesses or organizations or
38 the community as a whole;
39
40 (D) Promote the aesthetic appearance of the community; and
41
42 (E) Effectively and efficiently communicate the intent and nature of the
43 business.

1
2 **Section 070-020. Definitions.**
3

4 In addition to terms defined in Article 10, "Definition of Terms," the following
5 words, terms and phrases, when used in this Article, shall have the meanings
6 ascribed to them in this Section, except where the context clearly indicates a
7 different meaning.
8

9 *Abandoned sign.* Any sign, except a billboard sign, which no longer pertains to
10 any person, organization, product, service, activity or business located on
11 or available at the premises where such sign is displayed; any sign, except
12 a billboard sign, which no longer contains a message; and/or any sign in a
13 state of disrepair and any sign located within swale without a valid permit.
14

15 *Aggregate frontage.*

- 16 (1) Interior plots: The actual lineal street frontage;
17 (2) Through plots: The total actual lineal street frontage on both streets;
18 (3) Corner plots: The sum of the straight line lineal distances along both streets
19 extended beyond corner chords, radius and turn lanes to the point of
20 intersection;
21 (4) Interrupted corner plots: The sum of the actual street frontages exclusive of
22 outparcels.
23

24 *Animated sign.* A sign which utilizes motion of any part by any means, including
25 wind power, or displays color changing, flashing, oscillating or intermittent
26 lighting, electronic messages or moving images, or which emits visible
27 smoke, vapor, particles, noise or sounds. The definition of animated sign
28 shall not include changeable copy signs, as defined herein.
29

30 *Area of sign.* The total area of each sign face which may be used to display
31 copy, including background, but not including the frame and structural
32 supporting elements. Where a sign is composed of individual letters,
33 characters or symbols applied directly to a building, canopy, marquee,
34 mansard, fascia, facade, parapet, awning, wall or fence, the area of the
35 sign shall be the smallest rectangle, triangle or circle which will enclose all
36 of the letters, characters or symbols. The area of a double-faced sign shall
37 be the total area of each sign face.
38

39 *Awning or umbrella.* A shelter made of fabric, plastic, vinyl or other non-rigid
40 material supported by a metal frame.
41

42 *Awning sign.* A sign that is painted, stitched, stamped, perforated, painted or
43 otherwise affixed to an awning or umbrella.
44

1 *Balloon sign.* A temporary, 3-dimensional sign of non-rigid material, inflated by
2 air or other means to a point of semi-rigidity and used for advertising
3 purposes, with or without copy.
4

5 *Banner or pennant sign.* A sign, with or without a frame and with or without
6 characters, letters, symbols or illustrations, made of cloth, fabric, paper,
7 vinyl, plastic or other non-rigid material for the purpose of gaining the
8 attention of persons.
9

10 *Bench sign.* Any sign painted on or affixed to a bench or to a shelter for persons
11 awaiting public transportation.
12

13 *Billboard sign.* A sign which directs attention to a business, commodity, service,
14 product, activity or ideology not conducted, sold, offered, available or
15 propounded on the premises where such sign is located and the copy of
16 which is intended to be changed periodically.
17

18 *Box or cabinet sign.* Any sign, other than a banner or pennant sign, the sign face
19 of which is enclosed, bordered or contained within a boxlike structure or
20 cabinet, frame or other similar device.
21

22 *Building frontage.* The wall extending the length of the building or lease lines of
23 any building, the legal use of which is one of commercial or industrial
24 enterprise and including the location of public entrance(s) to the
25 establishment.
26

27 *Building identification sign.* A sign listing at least the numerical prefix of the
28 street address and, in certain cases, the bay, suite or unit number, and/or
29 the name of a building or complex.
30

31 *Building wall sign.* A sign where its entire area is displayed upon or attached to
32 any part of the exterior of a building wall, facade or parapet, approximately
33 parallel to and not more than twelve (12) inches from the face of the wall
34 upon which it is displayed or attached.
35

36 *Canopy or marquee.* A permanent, unenclosed shelter attached to and
37 extending from a building or a free-standing permanent shelter.
38

39 *Canopy sign.* A sign that is painted on or otherwise affixed to the fascia of a
40 canopy, marquee or mansard roof.
41

42 *Changeable copy sign.* A sign upon which the copy can be changed either
43 manually, electronically or by any other method through the use of
44 attachable letters, numbers, symbols or changeable pictorial panels, and
45 other similar characters, or through internal rotating or moveable parts
46 which can change the visual message without altering the sign face.

1
2 *Contractor sign.* A temporary sign identifying those engaged in construction or
3 remodeling on a building site, including the developer, contractor,
4 subcontractor, architect, engineer or artisans involved in the project.
5

6 *Copy.* The linguistic or graphic content of a sign, either in permanent or
7 removable form.
8

9 *Directional sign.* An identification sign, with or without a directional arrow,
10 designed to direct the public to a facility or service or to direct and control
11 traffic, such as entrance and exit signs, and which does not contain any
12 other commercial advertising.
13

14 *Directory sign.* A sign consisting of an index containing the names of tenants in
15 an office building, shopping center or other multi-tenant complex.
16

17 *Disrepair (sign).* A state of neglect or dilapidation to the extent that: (1) the
18 message of the sign has become obliterated, unreadable or indiscernible
19 and has remained in such a state for at least one hundred twenty (120)
20 days; or (2) approximately twenty-five (25) percent or more of the structural
21 components of the sign are in a visibly bent, broken, leaning or otherwise
22 dilapidated condition.
23

24 *Double-faced sign.* A sign with two (2) sign faces which are parallel to each
25 other and back to back.
26

27 *Election sign.* A sign indicating the name, cause or affiliation of any person
28 seeking office or which indicates any issue or referendum question for
29 which any election is scheduled to be held. This includes, but is not limited
30 to, signs advertising candidates, referendums or any campaign information.
31

32 *Embellishment.* An extension of the sign face which contains a portion of the
33 message or informative content and which is added, modified or removed
34 when the message is changed.
35

36 *Façade.* That portion of any exterior building elevation extending from grade to
37 the top of the parapet wall or eaves along the entire width of the business
38 establishment building frontage.
39

40 *Fascia.* The flat, outside horizontal member of a cornice, roof, soffit, canopy or
41 marquee.
42

43 *Fence or free-standing wall sign.* A sign attached to and erected parallel to the
44 face of or painted on a fence or free-standing wall and supported solely by
45 such fence or free-standing wall.
46

1 *Flag.* A piece of fabric, often attached to a staff, containing distinctive colors,
2 patterns or symbols, identifying a government or political subdivision.

3
4 *Free-standing sign.* Any self-supported sign not attached or affixed in any way to
5 a building or other structure.

6
7 *Frontage.* The total distance along any street line.

8
9 *Garage sale sign.* A sign to indicate the sale of personal property by the person
10 or family conducting the sale in, at or upon residentially zoned or
11 residentially used property. Garage sale signs shall include lawn sales,
12 yard sales or any similar designation.

13
14 *Gasoline price rate sign.* A sign indicating current gasoline and/or petroleum
15 product prices.

16
17 *General information sign.* A sign providing information on the location of facilities
18 or a warning to the public regarding the premises where the sign is located,
19 such as entrance or exit signs, caution, no trespassing, no parking, tow-
20 away zone, parking in rear, disabled parking, restrooms, etc., and
21 containing no commercial advertising.

22
23 *Graphic sign.* A sign which is an integral part of the building facade in that it is
24 carved in, or otherwise permanently embedded in the facade.

25
26 *Grand opening sign.* A temporary sign announcing the opening of a newly
27 licensed business not previously conducted at the location by the same
28 person(s).

29
30 *Hanging sign.* A sign hung or suspended from a free-standing wood or metal
31 frame, such frame being not higher than five (5) feet, nor wider than three
32 (3) feet.

33
34 *Height of sign.*

35 (1) *Billboard signs.* The top of any billboard, excluding authorized
36 embellishments, shall not be higher than thirty-five (35) feet above the
37 crown of the right-of-way along the property frontage which the sign serves.

38
39 (2) *All other free-standing signs.* Height shall be measured from the elevation
40 of the sidewalk adjacent to the sign location to the top of the sign. In the
41 event no sidewalk exists, height shall be measured from the crown of the
42 right-of-way at its closest point to the sign location.

43
44 *Holiday or seasonal sign.* Temporary lighting, garlands, wreaths or other
45 decorations relating to a particular regional or nationally recognized holiday
46 and containing no advertising.

1
2 *Identification sign.* A sign indicating the name, owner, address, use, and/or
3 service of a particular activity located on the premises where such sign is
4 displayed.

5
6 *Illuminated sign.* Any sign having characters, letters, figures, designs or outlines
7 illuminated by electric lights or luminous tubes designed for that purpose,
8 whether or not said lights or tubes are physically attached to the sign.

9
10 *Individual letter sign.* A sign made of self-contained letters that are mounted on
11 the face of a building, parapet, canopy, marquee or secured to a free-
12 standing wall, fence or other structure.

13
14 *Interior sign.* Any sign inside a building which is not clearly visible from and not
15 intended to be seen from the exterior of the building.

16
17 *Internal illumination.* A light source concealed or contained within the sign which
18 becomes visible by shining through a translucent surface.

19
20 *Item of information.* Each syllable, symbol, abbreviation, broken plane or
21 discontinued odd shape located in any one sign, excluding logos or
22 religious signs.

23
24 *Logo.* A sign consisting only of a symbol used to signify or represent an
25 organization, corporation, business, service or product, whether registered
26 or not.

27
28 *Mansard roof (or wall).* A false roof projecting over the front of a building; a
29 sloping section of an exterior wall above the functional roofline or deck of a
30 building at an angle with the exterior wall from which it extends. It may be
31 covered with roofing material to simulate a roof, but serves as an aesthetic
32 rather than functional purpose.

33
34 *Menu sign.* A sign indicating food items, products, services or activities provided
35 on the premises. Such signs are commonly, but not necessarily, associated
36 with fast-food restaurants at the entrance to drive-through facilities.

37
38 *Model sign.* A sign which designates a particular dwelling unit design which is
39 not for sale, but rather represents other units of a similar design that are for
40 sale.

41
42 *Monument sign.* A freestanding sign supported by an internal structural
43 framework or integrated into a solid structural feature other than support
44 poles.

1 *Mural.* A graphic, artistic representation painted on a wall, not including graffiti,
2 which contains no advertisement or relationship to any product, service or
3 activity provided, offered or available on the premises.
4

5 *Nameplate sign.* A sign indicating the name, profession, and/or address of a
6 person or persons residing on the premise or legally occupying the
7 premises.
8

9 *Neon sign.* A sign formed by luminous or gaseous tubes in any configuration.
10

11 *Nonconforming sign.* A sign or advertising structure which was lawfully erected
12 and maintained prior to the current provisions of this code regulating signs,
13 which by its height, type, square foot area, location, use or structural
14 support does not conform to the requirements of this Article.
15

16 *Nonilluminated sign.* A sign which has no source of artificial or person-made
17 illumination either directly or indirectly.
18

19 *Off-premises sign.* A sign, other than a billboard, which directs attention to a
20 business, commodity, service, product or activity not conducted, sold,
21 offered or available on the premises where such sign is located.
22

23 *Opinion sign.* A sign containing language, wording or an expression not related
24 to the economic interests of the speaker and its audience, such speech
25 generally considered to be ideological, political or of a public interest
26 nature; or a sign indicating belief concerning an issue, name, cause or
27 affiliation which is not scheduled for an election including, but not limited to,
28 signs advertising political parties or any political information.
29

30 *Outdoor event sign.* A temporary sign identifying an outdoor event which is of
31 general interest to the community.
32

33 *Panel sign.* A sign having the sign face or faces supported between two columns
34 or poles, with no open area between such columns or poles and the sign
35 face(s).
36

37 *Parapet.* A false front or wall extension above the roof line of a building.
38

39 *Pennant sign.* (see banner or pennant sign).
40

41 *Permanent sign.* Any sign which, when installed, is intended for permanent
42 use. For the purposes of this Article, any sign with an intended use in
43 excess of six (6) months from the date of installation shall be deemed a
44 permanent sign.
45

1 *Pole sign.* A free-standing sign erected upon a pole or poles which are visible
2 and wholly independent of any building or other structure for support.

3
4 *Primary or principal frontage.* That building frontage designated by the
5 owner/occupant to be the primary use when the business frontage is on
6 more than one street.

7
8 *Project sign.* A temporary sign announcing a project to be under construction or
9 an intended use of the premises, upon which such sign is located, in the
10 immediate future.

11
12 *Projecting sign.* A sign attached to and supported by a building or other structure
13 and which extends at any angle therefrom.

14
15 *Promotional sign.* A temporary sign promoting a special business event.

16
17 *Public service sign.* A sign erected by a governmental authority, within or
18 immediately adjacent to a right-of-way, indicating the location of public or
19 governmentally owned facilities, such as airports, public transportation,
20 hospitals, schools, parks or indicating street names or other messages of
21 public concern.

22
23 *Pylon.* An enclosed, tower-like structure which is erected as an extension above
24 or an addition to a building primarily for non-functional or decorative
25 purposes.

26
27 *Pylon sign.* A sign affixed to a pylon.

28
29 *Real estate sign.* A temporary sign erected by the owner or his or her agent
30 indicating property which is for rent, sale or lease, including signs pointing
31 to a property which is open for inspection by a potential purchaser (open
32 house sign) or a sign indicating "shown by appointment only" or "sold."

33
34 *Religious sign.* A shape symbolizing a religion or religious belief.

35
36 *Roof sign.* A sign erected or placed over or on a roof which is dependent upon
37 the roof, parapet or upper walls of any building for support, and which does
38 not extend above the roofline of the building (i.e. the top of the parapet of a
39 building with a flat roof, the ridgeline of a building with a hip or gable roof
40 and the top of the mansard of a building with a mansard roof).

41
42 *Sales office sign.* A sign identifying a construction project sales office.

43
44 *Sandwich or sidewalk sign.* A movable sign not permanently secured or attached
45 to the ground or to a structure and which may have two faces, usually
46 hinged at the top.

1
2 *Sign*. Every device, frame, letter, figure, graphic, character, mark, permanently
3 fixed object, ornamentation, plane, point, design, picture, logo, stroke,
4 stripe, symbol, trademark, reading matter or other representation for visual
5 communication that is used for the purpose of bringing the subject thereof
6 to the attention of others.
7

8 *Sign face*. The part of a sign, visible from one direction, that is or can be used for
9 communication purposes, including any background material, panel, trim,
10 color or direct or self-illumination used that differentiates the sign from the
11 building, structure, backdrop surface or object upon which or against which
12 it is placed.
13

14 *Sign width*. The horizontal distance, in lineal feet, measured along the lower
15 edge of a sign cabinet, box, frame or other surface containing a sign face.
16

17 *Sign structure*. Any structure erected for the purpose of supporting a sign,
18 including decorative cover and/or frame.
19

20 *Snipe sign*. A sign of any material, including paper, cardboard, wood or metal,
21 which is tacked, nailed, pasted, glued or otherwise affixed to a pole, tree,
22 stake, fence, structure, building, trailer, dumpster or other object, with the
23 message thereon not applicable to the present use of the premises upon
24 which the sign is located.
25

26 *Strip lighting*. Lighting in the form of luminous or gaseous tubes used to draw
27 attention to a building or structure, usually outlining a building, or portion
28 thereof, or a sign.
29

30 *Subdivision sign*. A sign indicating the name of a subdivision or neighborhood or
31 other residential development.
32

33 *Temporary sign*. Any sign, other than a snipe sign, with an intended use of six
34 (6) months or less.
35

36 *Traffic control sign*. Any sign used to control traffic on public streets or private
37 property, such as speed limit, stop, caution, one-way, do not enter, tow-
38 away zone or no parking signs.
39

40 *Trailer sign*. A sign which is designed to be transported, as a trailer is
41 transported, on its own wheels, even though the wheels of such signs may
42 be removed and the remaining chassis placed on or attached to the
43 ground.
44

45 *Under canopy sign*. A sign permanently affixed to and suspended from the
46 underside of a canopy or marquee.

1
2 *Use-related informational sign.* A sign pertaining to goods, products, services or
3 facilities which are available on the premises where the sign is located, but
4 which are incidental to the main activities therein, including a credit card
5 insignia.
6

7 *Vehicle sign.* A sign affixed to or painted on a transportation vehicle including
8 automobiles, trucks, boats, trailers, and campers for the purpose of
9 identification or advertisement. Vehicle signs required by law signifying
10 licensing information shall not be included in this definition.
11

12 *Window sign.* A sign located on a window, door or other transparent surface, or
13 within a building or other enclosed structure which is visible from the
14 exterior through a window or other opening intended to attract the attention
15 of the public. This term shall not include merchandise located in a window
16 or interior signs.
17

18
19 **Section 070-030. Prohibited signs.**
20

21 Any sign not specifically permitted is prohibited, including, but not limited to the
22 following signs:
23

24 (A) Animated signs;
25

26 (B) Banner or pennant signs, except as permitted by Sec. 070-120,
27 "Promotional signs."
28

29 (C) Balloon signs, except as permitted by Sec. 070-120, "Promotional signs."
30

31 (D) Bench signs on privately owned property;
32

33 (E) Billboard signs within fifteen hundred (1,500) feet of another billboard sign
34 or within fifteen hundred (1,500) feet of a public school, rural zoning district
35 or rural land use plan designation, except for any lawfully erected billboard
36 sign existing on the effective date of this ordinance along any portion of the
37 interstate or federal-aid primary highway system. For the purposes of this
38 provision, the interstate and the federal-aid primary highway system shall
39 mean U.S. 27, I-75 and Flamingo Road;
40

41 (F) Flags, except as permitted by Sections 070-110, "Temporary signs," and
42 070-120, "Promotional signs."
43

44 (G) Pole signs, except as expressly permitted;
45

46 (H) Projecting signs;

- 1 (I) Roof signs, extending above the roof line;
- 2
- 3 (J) Sandwich or sidewalk signs, except as permitted by Sec. 070-120,
- 4 "Promotional signs.";
- 5
- 6 (K) Snipe signs;
- 7
- 8 (L) Trailer signs, except as permitted by Sec. 070-120, "Promotional signs.";
- 9
- 10 (M) Vehicle signs; and
- 11
- 12 (N) Off-premises signs, other than billboards, except as otherwise specifically
- 13 provided herein.
- 14

15 **Sectoin 070-040. Nonconforming signs.**

16

- 17 (A) Any legally erected permanent sign, except billboards, which did not
- 18 conform to all of the provisions of Article VI, which was repealed in favor of
- 19 this Article 70, must conform with this Article as provided by Sec. 39-53 of
- 20 Such Article VI. Any legally erected permanent sign, except billboards,
- 21 which conformed to repealed Article VI but does not conform to all of the
- 22 provisions of this Article or any amendment hereto may remain for five (5)
- 23 years after the date such sign fails to conform to this Article or any
- 24 amendment hereto, or until any of the following events transpire, whichever
- 25 occurs first.
- 26
- 27 (1) Any change of copy on a sign pertaining to a single entity or a change
- 28 of more than fifty (50) percent of copy on a directory sign or other
- 29 multi-tenant sign within a ninety (90) day period;
- 30
- 31 (2) Abandonment of a sign, as defined in Sec. 070-020, "Definitions";
- 32
- 33 (3) Repair or reconstruction of a sign in disrepair, regardless of the
- 34 reason for the deteriorated condition of the sign;
- 35
- 36 (4) Relocation of any sign for any reason; or
- 37
- 38 (5) Expiration of any temporary sign permit.
- 39
- 40 (B) At the end of the five (5) year period, all signs other than billboard signs,
- 41 shall comply with the provisions of this code, including the master sign plan
- 42 requirements in Sec. 070-110, "Master Sign Plans."
- 43
- 44 (C) Nonconforming signs, other than billboard signs, may be refurbished or
- 45 repaired, provided no structural alterations are involved.
- 46

- 1 (D) Signs or sign structures which were never lawfully permitted shall not be
2 determined as legally nonconforming signs and shall be subject to
3 immediate removal without the benefit of any amortization period.
4
- 5 (E) Billboard signs within fifteen hundred (1,500) feet of another billboard sign
6 or within fifteen hundred (1,500) feet of a public school, rural zoning district
7 or rural land use plan designation, except for any lawfully erected sign
8 along any portion of the interstate or federal-aid primary highway system
9 shall be determined to be a nonconforming use.
10
- 11
- 12 (1) Any billboard sign not in compliance with (E), above, shall be removed
13 as follows:
14
- 15 a. Billboard signs for which a permit was issued more than two (2)
16 years prior to the original effective date of the ordinance adopting
17 this provision shall be removed within five (5) years of the said
18 effective date of this Section.
19
- 20 b. Billboard signs for which a permit was issued within two (2) years
21 prior to original date of adoption of the provisions, shall be
22 removed within seven (7) years of said date of adoption of this
23 Section.
24
- 25 (2) No variance may be granted from the provisions of this Section to
26 allow a billboard sign within fifteen hundred (1,500) feet of another
27 billboard sign or within fifteen hundred (1,500) feet of a public school,
28 rural zoning district or rural land use plan designation along any
29 portion of the interstate or federal-aid primary highway system to be
30 enlarged, extended, reconstructed or structurally altered.
31
- 32 (3) No variance may be granted from the provisions of this Section to
33 allow a nonconforming billboard sign to be enlarged, extended,
34 reconstructed or structurally altered or to remain for longer than the
35 applicable amortization period. However, repairs, maintenance, and
36 improvements may be carried out in any one calendar year in an
37 amount not to exceed fifty (50) percent of the market value of the sign
38 for that year and, provided, that such work does not increase the
39 height, size or setback deficiency of the nonconforming sign.
40
- 41 (4) Changeable copy signs and embellishments shall be prohibited on all
42 nonconforming billboard signs.

1
2 **Section 070-050. Sign permits.**
3

4 (A) *Permit applications.* No permanent sign, other than those specified in
5 Subsection (3) herein or as specifically provided for billboard signs, shall be
6 placed or altered on any plot, nor any existing sign copy changed, until a
7 certificate of use has been issued and until a permit as required by Sec.
8 005-080, "Permits required" has been obtained. Sign permit applications
9 shall, at a minimum, contain and be accompanied by the following:
10

- 11 (1) An indication of the specific type of sign and sign structure;
- 12
- 13 (2) The address and legal description of the plot where the sign will be
14 located;
- 15
- 16 (3) A plan or design of the sign, drawn to scale, showing the dimensions,
17 square foot area, sign face, copy, height of letters, colors, lighting, and
18 the sign structure;
- 19
- 20 (4) The location and type of all other signs on the same plot;
- 21
- 22 (5) A copy of the master signage plan for the development, if applicable;
- 23
- 24 (6) For free-standing signs, the overall height of the sign;
- 25
- 26 (7) For building, wall, parapet, facade, graphic, individual letter, pylon,
27 and roof signs, the building frontage and height of the building wall,
28 parapet, facade or pylon, or silhouette of the building;
- 29
- 30 (8) For window signs, the building frontage and height of the building wall,
31 parapet, facade or pylon, the area of all windows, and the area of such
32 windows to be used for signs; and
- 33
- 34 (9) For new billboards, the sign plan shall not be required to indicate the
35 sign copy and no permit shall be required for change of copy. For
36 change of copy, which includes an embellishment, the owner of a
37 billboard shall submit within twenty (20) days the following:
38
 - 39 a. A certificate that the embellishment complies with the provisions
40 of this Section; and
 - 41
 - 42 b. A copy of the artistic rendering of the copy containing the
43 embellishment with dimensions indicated.
 - 44

45 (B) A licensed sign contractor shall be required for all signs.
46

1 (C) *Exempt signs.* Permits shall not be required for the following signs,
2 provided the sign area is six (6) square feet or less and the sign is non-
3 illuminated:
4

- 5 (1) Building identification signs;
- 6 (2) On-premises directional signs;
- 7
- 8 (3) Flags, as permitted by Sec. 39-60;
- 9
- 10 (4) Garage sale signs;
- 11
- 12 (5) General information signs;
- 13
- 14 (6) Hanging signs;
- 15
- 16 (7) Interior signs;
- 17
- 18 (8) Model signs;
- 19
- 20 (9) Nameplate signs;
- 21
- 22 (10) Opinion signs, regardless of size;
- 23
- 24 (11) Real estate signs;
- 25
- 26 (12) Religious signs; and
- 27
- 28 (13) Use-related informational signs.

29
30 (D) Permits shall not be required for the following signs:

- 31
- 32 (1) Holiday or seasonal signs;
- 33
- 34 (2) Murals;
- 35
- 36 (3) Public service signs; and
- 37
- 38 (4) Traffic control signs.
- 39
- 40 (5) Any sign on a plot, or portion of a plot, used as a farm and pertaining
- 41 to farm activities.
- 42

43 (E) *Permit issuance.* If, upon review, it is determined that an application is in
44 accordance with the provisions of this Article, a permit shall be issued in
45 accordance with Sec. 005-080, "Permits required." Fees for permits shall
46 be in accordance with the schedule established by the Town.

1
2 (F) *Signs erected without permits.*
3

4 (1) Signs that were not lawfully permitted and do not comply shall be
5 removed immediately upon receipt of notice from town code
6 compliance personnel.
7

8 (2) Signs that were not lawfully permitted but which comply fully with this
9 Article shall require a permit within thirty (30) days from receipt of
10 notice from town code compliance personnel.
11

12 (G) *Permit revocation.* Permits for signs may be revoked by Town code
13 compliance personnel if it is determined that any sign fails to comply with
14 the terms of this Article and the owner of such sign fails to bring the sign
15 into conformity within thirty (30) days from receipt of any written notice of
16 noncompliance. Revocation of a sign permit shall require removal of the
17 sign in violation.
18

19 **Section 070-060. Maintenance and removal.**
20

21 (A) All permitted signs and sign structures shall be maintained in good
22 condition and not allowed to remain in a state of disrepair. Any such sign
23 shall either be removed or repaired within thirty (30) days of notice to the
24 sign owner and/or property owner.
25

26 (B) Any abandoned sign shall be removed by the sign owner or by the property
27 owner, if the sign owner cannot be verified or located, within thirty (30) days
28 of notice to the sign owner and/or property owner.
29

30 **Section 070-070. General sign requirements for permanent signs.**
31

32 (A) *Changeable copy signs.* Such signs shall not exceed fifty (50) percent of
33 the maximum permitted area of a sign, except billboard signs which are
34 subject to provisions of Sec. 070-090, "Permitted permanent signs."
35

36 (B) *Directional and general information signs.* Such signs may be double-
37 faced, may be monument, pole or building wall signs, shall be adjacent to
38 paths of vehicular or pedestrian traffic, and shall be no larger than six (6)
39 square feet in sign area and four (4) feet in height. Such signs may be off-
40 premises signs, provided they are not located more than five hundred (500)
41 feet from the facilities referenced on the sign and are not less than five
42 hundred (500) feet apart; except that directional signs for shopping center
43 outparcels shall not be subject to distance limitations. Off-premises
44 directional and general information signs are subject to permit requirements
45 Any sign located within swale without permit shall be removed without
46 notice.
47

- 1 (C) *Illumination of signs*: Where permitted, sign illumination shall be provided
2 by one of the following methods:
3
- 4 (1) Internally illuminated message. The sign face is made of an opaque
5 material and the copy is cut out of the material and replaced with
6 translucent material. The sign's light source is inside the sign.
7
 - 8 (2) Internally illuminated sign. The sign face is made of translucent
9 material with an internal light source.
10
 - 11 (3) Back lighting. The copy is raised beyond the sign face and the lighting
12 illuminates the copy from behind in the form of back lighting or
13 reversed channel lighting.
14
 - 15 (4) Shielded spotlight. The sign face and copy are lighted by spotlights
16 specifically directed at it. Such spotlights shall be fully shielded so that
17 they are not visible from streets or adjoining property and so that there
18 is no light spillage beyond the sign face.
19
 - 20 (5) Neon. The copy is conveyed through the use of neon tubing or the
21 sign face is outlined by neon tubing.
22
- 23 (D) *Landscaping*. All developed nonresidential properties shall provide
24 landscaping at the base of any free-standing sign on the plot in accordance
25 with Article 75, "Landscaping."
26
- 27 (E) *Logos and religious signs*. Logos and religious signs shall not exceed fifty
28 (50) percent of the area of any sign.
29
- 30 (F) *Monument signs*.
31
- 32 (1) Sign structure. The supporting structure of a monument sign shall
33 not be less in width than twenty percent (20%) of the width of the
34 sign face, inclusive of any box, cabinet or frame. No copy shall be
35 permitted on the supporting structure other than the building
36 address.
37
- 38 (G) *Opinion signs*. Opinion signs may constitute all or any part of the total area
39 of any sign permitted in this Article. Such signs may only be illuminated in
40 commercial and industrial districts.
41
- 42 (H) *Setbacks*. Free-standing signs of any type shall not be subject to front yard
43 or street side setbacks specified in any zoning district, but shall be located
44 no closer than five (5) feet from any dedicated right-of-way or recorded
45 road easement, three (3) feet from any pedestrian way, and shall not be
46 closer than three (3) feet from any other privately owned property and, in
47 nonresidential districts, not closer than twenty-five (25) feet from any

1 residentially zoned property. Setbacks shall be measured from the
2 outermost edge of the sign structure.

- 3
- 4 (I) *Sight distance triangle.* (See Sec. 085-030, "Site distance triangle.")
- 5
- 6 (J) *Strip lighting.* Strip lighting shall be permitted solely to outline a building,
7 window or door area of commercial and industrial establishments, and shall
8 be limited to a total footage equivalent to twice the building frontage. The
9 size of the tubing shall not exceed forty (40) millimeters and transformers
10 for strip lighting shall not be larger than thirty (30) milliamperes. Strip
11 lighting shall not extend above the roof line of any building.
- 12
- 13 (K) *Under canopy signs.* Such signs shall have a minimum vertical clearance of
14 eight (8) feet above any pedestrian way and shall not exceed six (6) square
15 feet in sign area. Copy shall be limited to the name or the main character of
16 the establishment the sign serves.
- 17
- 18 (L) *Use-related informational signs.* Such signs shall not exceed fifty (50)
19 percent of the total area of any sign, except that they may constitute one
20 hundred (100) percent of any changeable copy sign.
- 21
- 22 (M) *Window signs.* Such signs, including neon signs, shall not cover more than
23 twenty (20) percent of any individual window or door area.
- 24

25 **Section 070-080. Basic design schedule for nonresidential signs.**

26

27 All permitted permanent signs shall comply with the following limitations and
28 requirements unless otherwise specified.

29

- 30 (A) *Building wall signs, graphic signs, canopy signs, marquee signs, pylon*
31 *signs or roof signs.*
- 32
- 33 (1) Letters, cabinets or borders shall not exceed the height of any canopy
34 or marquee upon which the sign is affixed;
- 35
- 36 (2) The maximum length shall not exceed eighty (80) percent of the
37 building frontage; and
- 38
- 39 (3) The total area of the sign shall not exceed twenty (20) percent of the
40 aggregate building frontage.
- 41
- 42 (B) *Awning or umbrella signs.* The sign copy may only be located on the
43 portion of the awning or umbrella which is parallel to the building to which it
44 is affixed or at a ninety (90) degree angle to the ground.
- 45

(C) *Directory signs, fence or free-standing wall signs, free-standing signs, identification signs, monument signs, panel signs.* The maximum height of all such signs shall be in accordance with the following, unless otherwise specified in Sec. 070-090, Permitted permanent signs”:

Right-of-Way Width (in Feet)	Maximum Height of Sign (in Feet)
0--50	8
51--80	10
81--100	14
101--120	18
Over 120	25

The maximum area of any such sign shall be in accordance with the following:

Aggregate Frontage (in Feet)	Maximum Area of Sign* (in Square Feet)
100 feet or less	32**
101--250	48**
251--500	60
501--1,000	80
Over 1,000 feet	120

*The maximum areas specified apply to each sign face of a double-faced sign.

**The maximum height of these signs shall not exceed fourteen (14) feet.

Section 070-090. Permitted permanent signs.

Signs specified in Table 70-1 shall be permitted subject to limitations contained in Sec. 070-080, “Basic design schedule for nonresidential signs” and subject to the following additional limitations and requirements:

(A) *Agricultural uses.* Non-illuminated identification signs, directional signs and general information signs related to farm activities shall be permitted on the portion of any plot occupied by a farm without limitation. It is specifically recognized that any structure which would otherwise constitute a billboard, shall be subject to all conditions, restrictions and prohibitions applicable to billboards set forth within this Code.

(B) *Billboard signs.* Billboards shall be permitted in agricultural, commercial and industrial zoning districts, and shall be subject to the limitations and

requirements set forth below, provided that any such signs shall be located at least fifteen hundred (1,500) feet from any other billboard sign or at least fifteen hundred (1,500) from any public school, rural zoning district or rural land use plan designation. Any nonconforming shall be subject to the limitation and requirements set forth below, however, the above shall not be construed to require any lawfully erected billboard to be altered to meet the criteria set forth below. Any non-conforming billboard sign existing lawfully on the effective date of county ordinance [Ord. No. 2000-22] or which becomes nonconforming as of the effective date of this ordinance shall be subject to the limitations and requirements set forth below for the remainder of the amortization period.

- (1) *Height.* The top of any billboard, excluding authorized embellishments, shall not be higher than thirty-five (35) feet above the crown of the right-of-way along the property frontage which the sign serves.
- (2) *Sign Area; embellishments.* No billboard sign shall exceed fifty (50) feet in overall length, excluding authorized extensions, and six hundred seventy-two (672) square feet in sign area, excluding authorized embellishments. Embellishments shall be permitted, not to exceed twenty (20) percent of the total sign area. No embellishment shall extend into a required yard or setback nor extend above or beyond the permitted sign face more than five (5) feet.
- (3) *Sign faces.* A maximum of two (2) sign faces may be erected on one (1) sign structure, back to back, side to side or in single "V," having an interior angle not greater than thirty (30) degrees. The aggregate area of such signs at a single location facing the same direction shall not exceed six hundred seventy two (672) square feet and any such grouping of sign faces shall not exceed fifty (50) feet in length.
- (4) *Identification.* The name of the owner of the billboard sign shall be attached to each sign structure and shall be legible from the nearest right-of-way.
- (5) *Spacing.*
 - a. No billboard shall be closer than fifteen hundred (1,500) feet from any other billboard sign along the same side of a common right-of-way. Any billboard less than one hundred (100) feet from the intersection of any two (2) rights-of-way shall be subject to spacing along both rights-of-way.
 - b. No billboard sign shall be located within two hundred (200) feet of a plot occupied by a public park or playground, conservation

1 area or building for which a certificate of use has been issued as
2 a place of worship.

3
4 (6) *Setbacks.*

5
6 a. No billboard sign shall be erected to extend closer than twenty-
7 five (25) feet from any right-of-way or closer to any right-of-way
8 than any part of a building on any other property having frontage
9 on the same right-of-way, and which building is located within
10 one hundred (100) feet of the billboard sign.

11
12 b. No billboard sign shall be closer than five (5) feet from any
13 contiguous property.

14
15 (7) *Illumination.* Billboard signs shall be illuminated only by means of
16 shielded spotlights or internal illumination. The use of strip lighting is
17 prohibited.

18
19 (8) *Changeable copy.* Billboard signs which conform to all requirements of
20 this code may be changeable copy signs, provided:

21
22 a. The static display time for each message is a minimum of six
23 (6) seconds;

24
25 b. The time to completely change from one message to the next is
26 a maximum of two (2) seconds;

27
28 c. The change of message occurs simultaneously for the entire
29 sign face;

30
31 d. The billboard sign contains a default design that will freeze the
32 changeable copy in one position should a malfunction occur;
33 and

34
35 e. The billboard sign is in compliance with all provisions of this
36 Article and is not a nonconforming use.

37
38 (C) *Gasoline stations and convenience stores.* The following signs, which
39 may include logos, shall be permitted for gasoline stations and
40 convenience stores:

41
42 (1) One (1) free-standing identification sign in the form of a panel sign,
43 monument sign or fence or free-standing wall sign;

44
45 (2) Canopy signs;
46

- (3) One (1) building wall sign on each building frontage. If an additional business is located within the principal building, one (1) additional building wall sign may be utilized provided the aggregate sign area of both signs does not exceed twenty (20) percent of the building frontage;
 - (4) Directional or general information signs, which shall be building wall signs and incorporated into the maximum sign size;
 - (5) Gasoline price rate signs shall be incorporated into the sign area of the free-standing identification sign, not to exceed twenty (20) percent of the sign area but not smaller than fifteen (15) square feet;
 - (6) Gasoline price rate signs placed on gasoline pumps shall not exceed six (6) square feet in total area per pump unit dispenser;
 - (7) Window signs, any or all of which may be use-related informational signs;
 - (8) Building identification signs;
 - (9) Changeable copy signs incorporated into a free-standing or building wall sign; and
 - (10) Signs for gasoline stations and convenience stores may be illuminated by any of the methods specified in Sec. 39-56(3).
- (D) *Hotels and motels.* The following signs, which may include logos, shall be permitted for hotels and motels:
- (1) One (1) free-standing identification sign in the form of a monument sign, panel sign or fence or free-standing wall sign along the primary frontage. One (1) additional such sign shall be permitted on a secondary frontage not to exceed three-quarters (3/4) of the permissible height and one-half (1/2) of the permissible area of the primary sign;
 - (2) Changeable copy signs incorporated into the sign area of a free-standing sign or as a marquee sign;
 - (3) One (1) building wall sign or one pylon sign on each building frontage;
 - (4) Directional or general information signs;
 - (5) Strip lighting;

- 1 (6) One (1) additional building wall sign shall be permitted for
2 identification of a restaurant or lounge accessory to the hotel or motel,
3 not to exceed twenty-five (25) percent of the maximum permissible
4 area for such signs;
5
6 (7) Canopy signs; and
7
8 (8) Signs may be illuminated by any means specified in Sec. 39-56(3).
9
10 (E) *Free-standing schools, places of worship, community facilities, and*
11 *hospitals.* The following identification signs, which may include logos or
12 religious signs, shall be permitted for free-standing schools, places of
13 worship, community facilities, and hospitals:
14
15 (1) One (1) free-standing identification sign, which may be double-faced
16 and which may be a monument sign, fence or free-standing wall sign
17 or panel sign along the frontage. If there is frontage on more than one
18 street, one (1) sign shall be permitted along the primary or principal
19 frontage, and one (1) additional sign shall be permitted along one
20 additional frontage, not larger than three-quarters (3/4) the permissible
21 height and one-half (1/2) the permissible area of the primary frontage
22 sign. Box or cabinet signs may be internally illuminated. Painted or
23 graphic signs may be illuminated by shielded spotlights. Individual
24 letter signs may be illuminated either by internal illumination or by
25 shielded spotlights;
26
27 (2) One (1) identification sign in the form of a building wall sign, graphic
28 sign, canopy sign, marquee sign or pylon sign on each building
29 frontage. Such signs may be box or cabinet or individual letter signs.
30 Signs may be illuminated by internal illumination or shielded
31 spotlights;
32
33 (3) Changeable copy signs and use-related information signs;
34
35 (4) Directional and general information signs;
36
37 (5) Building identification signs;
38
39 (6) Opinion signs; and
40
41 (7) Outdoor event signs as permitted by Sec. 070-120, "Promotional
42 signs."
43
44 (F) *Shopping centers, office parks, industrial complexes, major employment*
45 *centers, and other multiple tenant buildings.* The following signs, which may
46 include logos and religious signs, shall be permitted for shopping centers,

office parks, industrial complexes, major employment centers, and other multiple tenant buildings:

- (1) One (1) free-standing identification sign in the form of a monument sign, panel sign, fence or free-standing wall sign along the primary frontage, plus one (1) additional such sign along all other frontages of the property, not more than three-quarters (3/4) of the permissible height and one-half (1/2) the permissible area of the primary sign. Such signs may include any of the following:
 - a. Directory signs;
 - b. Changeable copy signs; and
 - c. Building identification signs.
 - (2) One (1) building wall sign, graphic sign, canopy sign, awning sign, or pylon sign for identification of each tenant, which may be illuminated by any means specified in Sec. 070-070, "General Requirements for Permanent Signs." Individual letter signs may only be internally illuminated;
 - (3) One (1) under canopy sign for each tenant;
 - (4) Directional and general information signs;
 - (5) Opinion signs;
 - (6) Strip lighting;
 - (7) Window signs, any or all of which may be use-related informational signs;
 - (8) One (1) nameplate for each tenant in an office complex, not to exceed six (6) square feet in sign area;
 - (9) Building identification signs; and
 - (10) Menu signs adjacent to a drive-through facility not visible from a street or other thoroughfare and not higher than eight (8) feet. A logo may be affixed to any side of the sign, not to exceed three (3) square feet in area.
- (G) *Single and two-occupant commercial and industrial properties, shopping center outparcels, and other nonresidential uses not specifically mentioned.* The following signs, which may include logos and religious signs, shall be

permitted for single and two-occupant commercial and industrial properties, including shopping center outparcels:

- (1) One (1) free-standing identification sign, which may be a panel sign, monument sign or a fence or free-standing wall sign along the primary frontage, plus one (1) additional such sign along all other frontages of the property, not more than three-quarters (3/4) the height and one-half (1/2) the permissible area of the primary sign. Such sign may include one (1) or both occupants of the property and may include changeable copy signs;
 - (2) One (1) of the following for each occupant:
 - a. Canopy sign
 - b. Marquee sign
 - c. Pylon sign
 - d. Awning sign
 - (3) Directional and general information signs;
 - (4) Opinion signs;
 - (5) Window signs, any or all of which may be use-related signs;
 - (6) Strip lighting;
 - (7) Building identification signs;
 - (8) Menu signs adjacent to a drive-through facility, not visible from a street or other thoroughfare, and not higher than eight (8) feet. A logo may be affixed to any side of the sign not containing menu information, not to exceed three (3) square feet in sign area;
 - (9) One (1) building wall sign, graphic sign, canopy sign, awning sign or pylon sign for identification of the tenant(s); and
 - (10) Signs may be illuminated by any means specified in Sec. 070-070, General requirements for permanent signs."
- (H) *Single family residences.* The following signs shall be permitted for all single family residences:

- (1) One (1) identification sign or nameplate or religious sign, not larger than three (3) square feet in area, which shall be a building wall sign, a fence or free-standing wall sign or a hanging sign;
 - (2) Opinion sign;
 - (3) General information signs not exceeding a total of three (3) square feet in area for all such signs;
 - (4) Garage sale signs subject to Sec. 070-120, "Promotional signs"; and
 - (5) No sign shall be illuminated.
- (I) *Subdivision signs.* Subdivision signs shall be permitted in all residential zoning districts subject to the following limitations:
- (1) Two (2) signs shall be permitted at the primary entrance to a subdivision or neighborhood, a maximum of thirty-two (32) square feet in sign area per sign and not exceeding eight (8) feet in height. One (1) additional sign shall be permitted at any other entrance, one-half (1/2) the permissible area and three-fourths (3/4) the permissible height of a primary sign;
 - (2) Subdivision signs shall be monument signs or fence or free-standing wall signs; and
 - (3) Signs may be illuminated by any means specified in Sec. 070-070, "General requirements for permanent signs".
- (J) *Theaters.* The following signs, which may include logos, shall be permitted for theaters:
- (1) One (1) free-standing identification sign in the form of a monument sign, panel sign or fence or free-standing wall sign;
 - (2) One (1) identification sign which may be a building wall sign;
 - (3) A changeable copy sign, limited to sign copy indicating the title of the performance or activity, the MPAA rating, the hours and date of the event, the name of the production company or sponsor, and/or the major star. Such sign may either be incorporated into the free-standing identification sign or may be a canopy or marquee sign. Multiple screen theaters may be permitted additional changeable copy area, not to exceed twenty-five (25) square feet per additional screen, over and above the maximum permitted sign area;

(4) Directional and general information signs;

(5) Strip lighting; and

(6) All signs shall be internally illuminated.

(K) *Flags and banners.* All flags on nonresidentially used property shall be displayed on a flag pole and shall be maintained in accordance with Sec. 070-060, "Maintenance and removal." Flags shall not be displayed on vehicles for sale or lease at an automobile, truck, recreational vehicle or boat dealership. A permit in accordance with Sec. 005-080, "Permits required," shall be required for any flag pole.

Table 70-1. Sign type/function permissibility by zoning category.

Key to Zoning Districts

Ag Agricultural districts
R Rural districts
CF Community Facility District
Bus Commercial districts
OSR Open Space and Recreation District
M Manufacturing and Industrial District

X = Affirmative

[] Negative

C = Conditional

	Zoning Categories					
	Ag	R	Bus	M	CF	OSR
<u>FUNCTIONAL SIGNS</u>						
Billboard Sign	X		X	X		
Building Identification Sign	X	X	X	X	X	X
Changeable Copy Sign	X	X	X	X	X	X
Contractor Sign	X	X	X	X	X	X
Directional Sign	X	X	X	X	X	X
Directory Sign			X	X	X	
Election Sign	X	X	X	X	X	
Flags	X	X	X	X	X	X
Garage Sale Sign	C	C				
Gasoline Price Rate Sign			X	X		
General Information Sign	X	X	X	X	X	X
Grand Opening Sign			C	C		
Holiday or Seasonal Sign	X	X	X	X	X	X
Identification Sign	X	X	X	X	X	X

	Zoning Categories					
	Ag	R	Bus	M	CF	OSR
Logo	X	X	X	X	X	X
Menu Sign			X	X		
Model Sign	X	X				
Nameplate Sign	X	X	X	X	X	
Off-premises Sign			X	X		
Opinion Sign	X	X	X	X	X	X
Outdoor Event Sign	C	C	C	C	C	C
Project Sign	X	X	X	X	X	X
Public Service Sign	X	X	X	X	X	X
Real Estate Sign	X	X	X	X	X	X
Religious Sign	X	X	X	X	X	
Sales Office Sign	X	X	X	X		
Subdivision Sign	X	X	X	X		
Traffic Control Sign	X	X	X	X	X	X
Use-related Informational Sign			X	X	X	X
<u>STRUCTURAL SIGNS</u>						
Animated Sign						
Balloon Sign			C	C		C
Banner or Pennant Sign			C	C		C
Bench Sign			X	X	X	
Building Wall Sign	X	X	X	X	X	X
Canopy Sign			X	X		X
Double-faced Sign	X	X	X	X	X	
Fence or Free-standing Wall Sign	X	X	X	X	X	X
Free-standing Sign	X	X	X	X	X	X
Graphic Sign			X	X	X	
Hanging Sign	X	X				
Illuminated Sign	X	X	X	X	X	X
Individual Letter Sign			X	X	X	
Marquee Sign			X	X		
Monument Sign	X	X	X	X	X	X
Neon Sign			X	X		
Nonilluminated Sign	X	X	X	X	X	X
Panel Sign			X	X	X	
Pole Sign						
Projecting Sign						
Pylon Sign			X	X		
Roof Sign			X	X		
Sandwich or Sidewalk Sign			C	C	C	
Snipe Sign						
Strip Lighting			X	X		
Trailer Sign			C	C	C	
Under Canopy Sign			X	X	X	
Vehicle Sign						

	Zoning Categories					
	Ag	R	Bus	M	CF	OSR
Window Sign			X	X		

Section 070-100. Master sign plans.

- (A) For all plots having more than two (2) tenants displaying signs, a master sign plan must be approved by the town concurrently with site plan approval.
- (B) No sign permits shall be issued contrary to the master sign plan.
- (C) The master sign plan shall meet all of the provisions of this Article and shall include the following:
 - (1) An elevation plan, drawn to scale, depicting all signs placed or to be placed on the buildings on the plot;
 - (2) A site plan, drawn to scale, indicating the location of all free-standing signs erected or to be erected on the plot, including setbacks;
 - (3) A scale drawing of all free-standing signs depicting the sign type, height, dimensions and sign area, including the sign structures;
 - (4) For directory signs or other signs providing for more than one tenant, the amount of sign area allocated for each tenant shall be indicated;
 - (5) The standards for letter styles, letter colors, letter heights, and background colors to be used for the various types of signs on the plot. The size and type of items of information may be varied for major or anchor tenants in a shopping center; and
 - (6) The types of illumination to be used for each type of sign.
- (D) Once the master sign plan has been approved for a plot, the criteria shall apply to the entire plot shown on the master sign plan, as well as each individual tenant or occupant, and shall remain as long as the building(s) exist, regardless of change of ownership, management or occupancy, or until a complete new master sign plan has been submitted and approved.
- (E) Where a master signage plan is amended, or a new plan approved, all existing signs on the plot must conform to the master sign plan within a period of one (1) year from approval of the plan.

Section 070-110. Temporary signs.

- (A) The provisions of this Section shall pertain to the erection, placement, and maintenance of all temporary signs, other than promotional signs, regulated under Sec. 070-120. Temporary signs shall be permitted in addition to any other permitted sign on private property and shall be exempt from all other provisions of this Article, provided such signs fully comply with this Section.
- (B) The following types of signs may be erected as temporary signs:
- (1) Contractor signs
 - (2) Election signs
 - (3) Model signs
 - (4) Project signs
 - (5) Real estate signs
 - (6) Sales office signs
- (C) A permit as required in Sec. 005-080, "Permits Required," shall be obtained for any temporary sign six (6) square feet or larger in size.
- (D) Temporary signs on developed plots shall not be larger or higher than any permanent sign permitted on the premises where the sign will be located.
- (E) Temporary signs on undeveloped plots shall not exceed the following:
- (1) For parcels less than one (1) acre in area, a maximum of twelve (12) square feet in sign area and six (6) feet in height above the ground;
 - (2) For parcels between one (1) and ten (10) acres in area, a maximum of sixteen (16) square feet in area and six (6) feet in height above the ground; and
 - (3) For parcels over ten (10) acres in area, a maximum of twenty- four (24) [square] feet in sign area and eight (8) feet in height above the ground.
- (F) Temporary signs shall be limited to one (1) sign of each type specified herein for each one thousand (1,000) lineal feet of street or waterway frontage of a plot, except that:
- (1) one model sign shall be permitted at the location of each model on a residential development under construction not to exceed three (3) square feet in sign area per sign and three (3) feet in height above the ground; and
 - (2) one election sign shall be permitted for each street frontage per plot for each candidate and issue.

Such signs may be double-faced and may be a hanging sign, a building wall sign, pole sign or window sign. All free-standing signs shall be set back a minimum of five (5) feet from any plot line or street line.

(G) Where two or more types of temporary signs are combined on one sign face or sign structure, then the sign area may be increased by twenty (20) percent.

(H) No temporary sign shall be placed on public property or in a private ingress/egress easement. Signs placed in violation of this provision shall be considered abandoned and shall be subject to removal without notice by the Town.

(I) A real estate sign in a residential area may be increased in size by a maximum of fifty (50) percent of the permitted sign size to accommodate additional information such as "By Appointment Only," "Sold" or "Open House." "Open House" signs:

(1) May only be displayed while the premises are actually available for inspection by a prospective buyer or tenant;

(2) May be off-premises signs, provided they are not less than four hundred (400) feet apart, are not more than three (3) square feet in area, are not more than three (3) feet in height; and

(3) May only be displayed on private property.

(4) Information boxes shall not be considered a sign.

(J) All temporary signs shall be removed within ten (10) days after the conclusion of the election, to which any temporary sign pertains, or the development, construction or sale of any building or property to which any temporary sign pertains, or shall be removed after the expiration of six (6) months from the erection of the sign, whichever occurs first.

Section 070-120. Promotional signs.

(A) Any commercial enterprise, other than a home office, which has been issued a certificate of use, may make application for a temporary sign permit for any of the following purposes:

(1) Grand opening

(2) Holiday or post-holiday sale

1 (3) Change of management

2
3 (4) Special promotions

4
5 (B) Permits shall be limited as follows:

6
7 (1) No more than six (6) such permits shall be issued to any one
8 commercial enterprise in any one calendar year.

9
10 (2) No permit shall be issued for a period exceeding fourteen (14)
11 consecutive days.

12
13 (3) No permit shall be issued for temporary promotional signs within forty-
14 five (45) days of the issuance of any previous temporary sign permit
15 for the same commercial enterprise on the same plot.

16
17 (C) Notwithstanding the provisions of Sec. 070-030, "Prohibited Signs,"
18 temporary signs that may be permitted on the premises of the commercial
19 enterprise are as follows:

20
21 (1) Banners, flags and pennants

22
23 (2) Balloon signs

24
25 (3) Sidewalk signs

26
27 (4) Trailer signs without animation

28
29 (D) All signs shall be placed on the private property occupied by the
30 commercial enterprise. No trailer sign or sidewalk sign shall block or
31 interfere with any pedestrian or vehicular areas.

32
33 (E) *Maximum size and number of signs.* Temporary signs permitted in Subsec.
34 (C) above shall be limited as follows:

35
36 (1) Banners, flags and pennants shall not be limited.

37
38 (2) Balloon signs shall be limited to one per commercial enterprise.

39
40 (3) Balloon signs shall not be elevated to a height exceeding twenty-five
41 (25) feet from the ground, and shall be a maximum of twenty-four (24)
42 feet wide.

43
44 (4) Balloon signs and trailer signs shall not be placed in any landscaped
45 area, shall not be located less than ten (10) feet from any right-of-way

1 line or other private property line and shall not be located within any
2 district boundary line separation or setback area.

3
4 (5) Sidewalk signs shall be limited to two (2) signs a maximum twenty-
5 four (24) inches by thirty (30) inches in size per sign.

6
7 (6) Trailer signs shall be limited to one per commercial enterprise, a
8 maximum twenty-four (24) square feet in area.

9
10 (F) Any commercial enterprise which is found to be in violation of this Section
11 by the Special Master shall not be issued a temporary promotional sign
12 permit for one (1) year after adjudication of the violation by the Special
13 Master.

14 15 16 **ARTICLE 75. LANDSCAPING REQUIREMENTS**

17 18 19 **Section 075-010. Purpose and intent.**

20
21 The general purposes of this Article are as follows:

22
23 (A) To promote the establishment of a functional landscape in the Town of
24 Southwest Ranches;

25
26 (B) To protect and enhance the aesthetic rural character of Southwest
27 Ranches;

28
29 (C) To provide the physical benefits of using plant material as a functional and
30 integral part of the Town's development;

31
32 (D) To provide minimum standards for landscaping new developments or for
33 redevelopment; and

34
35 (E) To promote water conservation and vegetation protection objectives by
36 providing for:

37
38 (1) The preservation of existing plant communities pursuant to the
39 requirements of the Town's tree preservation and abuse regulations;

40
41 (2) The reestablishment of native plant communities;

42
43 (3) The use of site-specific plant materials; and
44

- 1 (4) The implementation of xeriscape principles as identified in South
2 Florida Water Management District's Xeriscape Plant Guide II, as
3 amended, and as provided by law.
4

5 The provisions of this Article shall be a minimum standard.
6
7

8 **Section 075-020. Definitions.**
9

10 In addition to the definitions set forth under Article 10, "Definition of Terms," the
11 following definitions shall apply to this Article:
12

13 *Accessway.* A private vehicular roadway intersecting a public right-of-way.
14

15 *Applicant.* The owner or the authorized agent of the subject property.
16

17 *Berm.* A linear earthen mound.
18

19 *CPTED.* Acronym for Crime Prevention Through Environmental Design; design
20 approach to reduce crime and fear of crime by creating a safe climate
21 within a building environment.
22

23 *Canopy.* The upper portion of a tree consisting of limbs, branches and leaves.
24

25 *Clear trunk.* The distance between the top of the root ball along the vertical trunk
26 or trunks of a tree to the point at which lateral branching or fronds begin.
27

28 *Clear wood.* The portion of the palm trunk which is mature hardwood measured
29 from the top of the root ball to the base of green terminal growth or fronds.
30

31 *Diameter Breast Height (DBH).* The diameter of the tree trunk(s) measured at
32 four and one-half (4 1/2) feet above grade.
33

34 *Disturbed land/ground.* Any land where the original natural vegetation has been
35 removed, displaced, overtaken or raked.
36

37 *Functional landscaping.* The combination of living and nonliving materials that,
38 when installed or planted, creates an ongoing system providing aesthetic
39 and environmental enhancement to a particular site and surrounding area.
40

41 *Groundcover.* A low-growing plant that, by the nature of its growth
42 characteristics, completely covers the ground and does not usually exceed
43 two (2) feet in height.
44

45 *Hedge.* A row of evenly spaced shrubs planted to form a continuous, unbroken
46 visual screen.

1
2 *Irrigation.* The method of supplying plant materials with water other than by
3 natural rainfall.
4

5 *Landscape/Landscaping.*
6

7 (A) When used as a noun, this term shall mean living plant materials such
8 as grasses, groundcover, shrubs, vines, trees or palms and nonliving
9 durable materials commonly used in environmental design such as,
10 but not limited to, rocks, pebbles, sand, walls or fences, aesthetic
11 grading or mounding, but excluding paving and structures.
12

13 (B) When used as a verb, this term shall mean the process of installing or
14 planting materials commonly used in landscaping or environmental
15 design.
16

17 *Mulch.* Organic material such as wood chips, pinestraw or bark placed on the
18 soil to reduce evaporation, prevent soil erosion, control weeds and enrich
19 the soil.
20

21 *Native plant species.* For the purpose of this Article, native plant species shall be
22 those plant species indigenous to the ecological communities of South
23 Florida, as indicated on lists provided by Broward County, or that can be
24 scientifically documented to be native to South Florida.
25

26 *Nonvehicular Use Open Space.* All areas, excluding areas defined as vehicular
27 use areas, areas preserved as ecological communities, required
28 landscaping adjacent to public rights-of-way and abutting property, existing
29 structures to remain, and proposed structures. This definition includes
30 areas permanently covered with water.
31

32 *Planting soil.* A medium composed of up to fifty percent (50%) muck or
33 horticulturally acceptable organic material, including solid waste compost.
34

35 *Shrub.* A woody plant usually with several stems produced from the base that
36 could be maintained in a healthy state.
37

38 *Site-specific plant materials.* The use of plant species selected to minimize
39 supplemental irrigation, fertilization and pest control.
40

41 *Tree.* A self-supporting, woody perennial plant, usually with one (1) vertical stem
42 or main trunk, which naturally develops a distinct, elevated crown and
43 provides, at maturity, natural characteristics of the species.
44

45 *Turf.* The upper layer of soil matted with roots of grass and covered by viable
46 grass blades.

1
2 *Vegetation.* Angiosperms, gymnosperms, ferns and mosses.

3
4 *Vehicular encroachment.* Any protrusion of a motor vehicle outside of the
5 boundaries of a vehicular use area into a landscape area.

6
7 *Vehicular use area.* Areas used for the display or parking of any type of vehicle,
8 boat or construction equipment, whether self-propelled or not, and all land
9 upon which such vehicles traverse.

10
11 *Vine.* Any plant with a long, slender stem that trails or creeps on the ground or
12 climbs by winding itself on a support.

13
14 *Xeriscape.* A landscaping method that maximizes the conservation of water by
15 use of site-appropriate plants and an efficient watering system.

16
17
18 **Section 075-030. Landscape plans.**

19
20 (A) Landscape planting plans shall not be required for individual properties in
21 the agricultural and rural districts. Single-family residential plots shall
22 comply with the requirements of Sec. 075-110, "Single-family
23 requirements." Appropriate surveys and plans shall be submitted as
24 required by the Town for tree removal permits.

25
26 (B) A landscape plan shall be submitted with all site plan and site plan
27 modification applications. A landscape plan shall also be submitted with
28 any building permit application that requires additional landscaping, or
29 which may affect or conflict with on-site landscaping, including but not
30 limited to, permits for parking lot lighting, addition or relocation of
31 impervious area, tree removal, and drainage improvements. The Town
32 Administrator may waive this requirement upon determination that a
33 landscape plan is not necessary based upon the nature of the application
34 and the site characteristics of the property involved. Landscape plans
35 shall be prepared by a landscape architect, or other person authorized
36 pursuant to Chapter 481, Part II, Florida Statutes, as may be amended
37 from time to time. The landscape plan shall be no larger than twenty-four
38 inches by thirty-six inches (24" x 36"), and include the following
39 information:

40
41 (1) A minimum scale of one (1) inch equals fifty (50) feet.

42
43 (2) Tree survey indicating type (common and botanical name), quality
44 and location of existing vegetation.

- (3) Trees to be removed and trees to be relocated, with proposed relocations and mitigation shown on plan.
 - (4) Location of existing and proposed structures, improvements, water bodies, site uses and site improvements, dimensioned and referenced to property lines.
 - (5) Existing and proposed site elevations, grades and major contours, including water retention areas.
 - (6) Location of existing or proposed utilities and easements, including drainage easements, drainage features, drainfields and septic tanks, underground utilities and overhead power lines.
 - (7) Location of all landscape material to be used, including height, caliper and canopy spread of species at time of planting.
 - (8) Landscape material schedule listing all plants being used with their botanical and common name, their quantity and size, and degree of drought tolerance (as determined by the South Florida Water Management District Xeriscape Plant Guide II, as amended) and indication of whether native to South Florida.
 - (9) Spacing of plant material where a given spacing is required by code, including but not limited to, center to center distance between individual shrubs, and center to center distance between trees within landscape buffers.
 - (10) Description of landscape installation practices to be utilized.
- (C) The irrigation plan shall meet the following requirements:
- (1) Items (1) through (6), above.
 - (2) Main or well location, size and specifications.
 - (3) Valve location, size and specifications.
 - (4) Pump location, size and specifications or water source.
 - (5) Backflow prevention device type and specifications.
 - (6) Controller locations and specifications.
 - (7) Zone layout plan (minimum scale 1" = 20'):

- a. Indicating head type, specifications and spacing; and
- b. Indicating methods used to achieve compliance with xeriscape principles as required by Sec. 125.568, Florida Statutes, as may be amended from time to time.

Section 075-040. Installation of landscaping and irrigation.

All landscaping and irrigation shall be installed according to accepted planting procedures with the quality of plant materials as hereinafter described.

- (A) Topsoil shall be of the minimum quality as specified in the plant materials section of this Article. Excluding palm trees, all trees and shrubs shall be planted with a minimum of six (6) inches of topsoil around and beneath the root ball. A minimum of two (2) inches of shredded, approved organic mulch or groundcover shall be installed around each tree planting for a minimum of eighteen (18) inches beyond its trunk in all directions, including palms, and throughout all hedge and shrub planting. The use of mulch obtained from *Melaleuca*, *Eucalyptus*, or other invasive plant species is encouraged in order to reduce their impact on the environment and to preserve the remaining native plant communities.
- (B) All trees shall be properly guyed and staked at the time of planting until establishment. The use of nails, wire or rope, or any other method which damages the trees or palm, is prohibited. All plants shall be installed so that the top of the root ball remains even with the soil grade.
- (C) All landscape areas, including residential common-area landscape areas and landscape easements, but excluding individual residential plots, shall be provided with an automatically operating, underground irrigation system designed to have one hundred (100) percent coverage with one hundred (100) percent overlap. Drip, trickle or other low-volume irrigations systems shall be permitted if designated on approved landscape plans. Irrigation systems shall be designed to minimize application of water to impervious areas.
 - (1) Pursuant to Sec. 373.62, Florida Statutes, as may be amended from time to time, any irrigation system installed after May 1, 1991, shall install a rain sensor device or switch which will override the irrigation cycle of the sprinkler system when adequate rainfall has occurred.
 - (2) Use of nonpotable water, including, but not limited to, water from a canal, lake or a treated water source, in the irrigation of

landscaped areas is required when determined to be available and safe.

- (3) Automatic controlling devices shall be used on all irrigation systems.

(D) Inspections of site for landscape installation:

- (1) A pre-inspection will be required to determine site conditions and appropriate use and selection of landscape material prior to installation.

- (2) A final landscape inspection will be required upon completion.

Section 075-050. Maintenance of landscaped areas.

- (A) An owner of land subject to this Article shall be responsible for the maintenance of said land and landscaping so as to present a healthy, vigorous and neat appearance free from refuse and debris. All landscaped areas shall be sufficiently fertilized and irrigated to maintain the plant material in a healthy condition.
- (B) Three (3) inches of clean, weed-free, organic mulch shall be maintained at all times over all areas originally mulched. Turfgrass shall be mowed regularly.
- (C) Irrigation systems shall be maintained to eliminate water loss due to damaged, missing or improperly operating sprinkler heads, emitters, pipes and all other portions of the irrigation system.
- (D) Preserved and created ecological communities shall be maintained in a natural state without the use of mechanical equipment.
- (E) A property owner is responsible for ensuring that landscaping required pursuant to this Article, or installed in compliance with the landscape requirements previously in effect, is maintained in Florida Grade One condition. If landscaping is found to be in a state of decline, dead or missing, it must be replaced with equivalent landscape material. If total replacement is required, species conforming to this Article shall be used. If any preserved vegetation dies, which vegetation is needed to satisfy current landscape code requirements, such vegetation shall be replaced with the same landscape material selected from nursery-grown native stock only.

1 (F) Property owners are required to install and maintain landscaping in such a
2 manner that it does not interfere with, disrupt, impede, prevent, or alter the
3 flow of a utility.
4

5 (G) No individual shall deny the right, or impede the ability of a utility company
6 to enter private property for the purpose of entering a utility easement to
7 remove or prune a plant or tree that is interfering with or impeding the
8 utility company's ability to deliver safe and reliable utility services, nor shall
9 an individual refuse to permit a utility company to remove or prune, when
10 on private property, a plant or tree that is interfering with or impeding the
11 utility company's ability to deliver safe and reliable utility services, when it
12 is determined by the utility company that the condition caused by the
13 offending plant or tree constitutes a "hazardous condition" as defined by
14 Town Ordinance Number 2004-07, which also provides penalties for
15 violations of these provisions.
16
17

18 **Section 075-060. Plant material.**
19

20 (A) *Quality.* Plant materials used in accordance with this Article shall conform
21 to the standards for Florida Grade One, or better, as provided for in the
22 most current edition of Grades and Standards for Nursery Plants, 2nd
23 edition, Feb. 1998, State of Florida Department of Agriculture and
24 Consumer Services, as amended. Sod shall be clean and visibly free of
25 weeds, noxious pests and diseases. Grass seed shall be delivered to the
26 job site in sealed bags with Florida Department of Agriculture tags
27 attached.
28

29 (B) *Native Vegetation.* Fifty (50) percent of all vegetation this Article requires
30 to be planted, excluding all turfgrass, shall be indigenous to South Florida.
31

32 (C) *Preserved/Created Ecological Communities.* Ecological communities shall
33 be preserved or created as required by Chapter 5, Article XII, Broward
34 County Code of Ordinances. Sites which consist of five (5) acres or more,
35 where there is no viable ecological community, the applicant shall show on
36 the landscape plan an area or areas equivalent to two and one-half (2 1/2)
37 percent of the site to be planted and preserved as an ecological
38 community, pursuant to the conservation goals, objectives and policies of
39 the 1989 Broward County Comprehensive Plan, Volume 2, Adopted
40 Components, as may be amended from time to time. Sites that consist of
41 two (2) to five (5) acres may incorporate an ecological community into the
42 landscape buffer or interior landscaping requirements. For sites of five (5)
43 acres or more, this shall constitute an additional requirement.

(D) *Trees.*

- (1) Trees shall be of a species having an average mature crown of greater than twenty (20) feet and having trunk(s) that can be maintained with over six (6) feet of clear wood. Trees or palms having an average mature crown spread of less than twenty (20) feet may be substituted by grouping the same so as to create the equivalent of a twenty (20)-foot crown spread. Such a grouping shall count as one (1) tree towards meeting tree requirements for any provision herein. If palms are used, they shall constitute no more than twenty (20) percent of the total tree requirements for any provision herein, and shall have a minimum of six (6) feet of clear wood. On projects requiring more than ten (10) trees, a minimum of two (2) species shall be used.
- (2) Non-conforming sites with less than five (5) feet of nonvehicular planting space for required buffers may use canopy trees with a twelve (12) to fifteen (15) foot height at maturity, with canopy equivalent to such height.
- (3) Trees used in the required landscaping adjacent to a public street are subject to approval by the Town so that the character of the public street can be maintained.
- (4) The following plant species shall not be planted as required or optional landscaping and, in addition, these species shall be removed from the construction sites:

Botanical Name	Common Name
Acasia auriculiformis	Earleaf Acasia
Ficus spp.	Ficus [see 075-060(E)(3)]
Bischofia javanica	Bischofia, Toog
Casuarina spp.	Australian Pine
Melaleuca quinquenervia	Melaleuca, Punk Tree,
Paperbark	
Schinus terebinthifolius	Pepper, Florida Holly
Brazilian	
Rhodomyrtus tomentosa	Downy Rose Myrtle
Leucaena leucocephala	Lead Tree, Jumbie Bean
Ardisia solanacea	Shoebuttan Ardisia
Araucaria heterophylla	Norfolk Island Pine
Dalbergia sissoo	Indian Rosewood
Grevillea robusta	Silk Oak
Brassaia actinophylla	Schefflera

- 1 (6) The Town shall maintain a list of plant material known to be invasive
2 of South Florida's native ecological communities or disturbed areas,
3 which shall not be used to meet any requirements of this Article.
4
- 5 (7) Tree species shall be a minimum overall height of ten (10) to twelve
6 (12) feet, Florida Grade One material, with a minimum trunk diameter
7 of two and one-half (2 1/2) inches and a minimum of one-half (1/2) the
8 overall height of clear trunk immediately after installation. Minimum
9 canopy spread shall be characteristic of the species at such height
10 requirements. Credit for existing trees preserved on a site shall be
11 granted toward meeting the tree requirements of any landscaping
12 provisions of this Article. No credit shall be granted for any type of
13 fruit tree or any preserved trees that are in extremely poor condition
14 or declining health.
15
- 16 (E) *Shrubs and Hedges.*
17
- 18 (1) Shrubs shall be a minimum of two (2) feet in height, except where
19 required for screening and buffering pursuant to Sec. 075-070,
20 "Nonresidential perimeter and vehicular use area landscape
21 requirements," in which case the minimum planting height shall be
22 three (3) feet, and shall be full to base and planted two (2) feet on
23 center when measured immediately after planting.
24
- 25 (2) Required buffer hedges shall be planted and maintained so as to
26 form a continuous, unbroken and solid visual screen. The hedge
27 material shall be capable of reaching, and maintained at, its required
28 height within one (1) year if the required height is no greater than four
29 (4) feet, and within two (2) years for required heights in excess of four
30 (4) feet.
31
- 32 (3) *Ficus* spp., when planted as a hedge, shall be maintained at a height
33 not to exceed eight (8) feet, provided the hedge shall be set back
34 from any structure a distance of at least eight (8) feet.
35
- 36 (F) *Vines.* Vines shall be a minimum of thirty (30) inches in supported height
37 immediately after planting, and may be used in conjunction with fences,
38 visual screens or walls, planted at ten (10) foot intervals, to meet
39 landscape buffer requirements as specified.
40
- 41 (G) *Groundcover.* Groundcovers shall be planted with a minimum of fifty
42 percent (50%) coverage with one hundred percent (100%) coverage
43 occurring within six (6) months of installation.

1
2 (H) *Turf.*
3

- 4 (1) All turf areas shall be sodded using species suitable as permanent
5 lawns in Broward County, including St. Augustine, Bahia, and their
6 cultivars. Large turf areas not subject to erosion, such as playfields,
7 and areas to be used for livestock and equestrian areas, may be
8 grassed with methods other than sod using permanent species
9 suitable for Broward County.
10
11 (2) Turf shall not be treated as a fill-in material, but rather as a major
12 planned element of the landscape and shall be placed so that it can
13 be irrigated separately from planting beds.
14
15 (3) Turfgrass areas shall be consolidated and limited to those areas on
16 the site that require pedestrian traffic, provide for recreation use or
17 provide soil erosion control such as on slopes or in swales, or surface
18 water management areas, and where turf is used as a design unifier,
19 or other similar practice use. Turf areas shall be identified on the
20 landscape plan.
21

22 (I) *Xeriscape.*
23

24 Landscape design must incorporate the principles of xeriscaping. These
25 include the following, which must be noted on the landscape plans:
26

- 27 (1) Soil improvements. Improve the soil with organic materials prior to
28 the installation of any irrigation system.
29
30 (2) Efficient irrigation. Plan irrigation system according to water needs
31 and group planting according to water requirements. Reference to
32 irrigation in Landscape Notes (i.e. rain shut-off valve, moisture
33 sensor, electric or hydraulic solenoid valves).
34
35 (3) Drought tolerant plants.
36
37 (4) Mulches. Place mulch directly on the soil or on a breathable or
38 biodegradable material. Use around trees, shrubs, and in the
39 planting beds.
40
41 (5) Appropriate maintenance. Use proper mowing, pruning, and
42 weeding techniques and limit the use of fertilizer and pest control
43 to further water savings.
44

45 (J) *Topsoil.* Topsoil shall be clear and reasonably free of construction debris,
46 weeds and rocks. The topsoil for all planting areas shall be composed of a

1 maximum of fifty percent (50%) percent muck or horticulturally acceptable
2 organic material.
3
4

5 **Section 075-070. Nonresidential perimeter and vehicular use area**
6 **landscape requirements.**
7

8 (A) *Applicability.* All vehicular use areas (VUAs) serving nonresidential and
9 nonagricultural uses and zoning districts, and the perimeters of all
10 nonresidential and nonagricultural uses and plots shall conform to the
11 minimum landscaping requirements hereinafter provided.
12

13 (B) *VUAs abutting a street line.* On the site of a building or open lot providing
14 a VUA where such area will not be entirely screened visually by an
15 intervening building or structure from any abutting street(s) and property
16 lines, including dedicated alleys, a landscape strip of land at least fifteen
17 (15) feet in depth measured inward from the abutting street line towards
18 the VUA shall be provided, providing the Town may require increased
19 buffer depth as provided in Subsec. (J). This buffer shall not be counted
20 toward meeting the interior VUA landscape requirements.
21

22 (1) The landscape strip shall contain with one (1) tree for each thirty
23 (30) lineal feet of street line frontage or fraction thereof.
24

25 (2) A hedge, berm, wall or other opaque, durable landscape barrier, as
26 determined by the Town, shall be placed along the inside perimeter
27 of such landscape strip, and shall be maintained at a height of three
28 (3) feet above the VUA pavement surface to meet CPTED
29 principles. If such durable barrier is of nonliving material, for each
30 ten (10) feet thereof, one (1) shrub or vine shall be planted along the
31 street side of such barrier.
32

33 (3) The remainder of the required landscape area shall be landscaped
34 with turfgrass, groundcover or other landscape treatment, excluding
35 paving.
36

37 (4) The pervious area between the edge of pavement and the required
38 landscape buffer shall be sodded.
39

40 (C) *VUAs abutting an interior nonresidential plot line.* On the site of a building
41 or open lot providing a VUA where such area will not be entirely screened
42 visually by an intervening building or structure from any abutting street(s)
43 and property lines, including dedicated alleys, a landscape strip of land at
44 least ten (10) feet in depth shall be provided, measured inward from the
45 plot lines towards the VUA shall be landscaped, providing the Town may

1 require increased buffer depth as provided in Subsec. (J). This buffer shall
2 not be counted toward meeting the interior VUA landscape requirements.

3
4 (1) The landscape strip shall contain one (1) tree for each thirty (30) lineal
5 feet or fraction thereof.

6
7 (2) The tree planting requirement will be waived in whole or in part if the
8 adjoining plot has already planted trees along the interior plot line,
9 based upon a determination of whether the adjoining trees have
10 limited or eliminated the feasibility of planting additional trees on the
11 other side of the same plot line.

12
13 (3) A hedge, berm, wall or other durable and opaque landscape barrier,
14 as determined by the Town, shall be placed within the landscape strip
15 and shall be maintained at a maximum height of three (3) feet from
16 established grade to meet CPTED principles.

17
18 (4) The remainder of the required landscape area shall be landscaped
19 with turfgrass, groundcover or other landscape treatment, excluding
20 paving. This buffer may not be counted toward meeting the interior
21 landscape requirements.

22
23 (D) *Perimeter buffer adjacent to residential and open space zoning and use.*
24 Any nonresidential use that is contiguous to, or separated only by a FPL
25 primary transmission easement or right-of-way, or canal right-of-way from a
26 residential or recreation and open space plot line, shall provide the
27 landscape buffer described in (2) above, which shall extend along the
28 entirety of the common plot line.

29
30 (1) The durable and opaque barrier shall be increased to six (6) feet in
31 height unless a contiguous residential or recreation and open space
32 plot(s) already contains an equivalent barrier that would make the six
33 (6) foot requirement redundant for purposes of screening and
34 buffering the nonresidential plot from the residential or recreation and
35 open space plot.

36
37 (2) The Town Council shall require a barrier eight (8) feet in height if the
38 additional height would more effectively screen the nonresidential
39 buildings and improvements from adjacent residential or recreation
40 and open space plots. In making this determination, the Town Council
41 shall consider the height and setbacks of buildings and resulting site
42 lines of adjacent residential uses, potential noise impact from the
43 nonresidential use, the type and effectiveness of the barrier proposed,
44 and other such relevant factors the Council deems appropriate for
45 determining the appropriate height of the barrier.

(3) The Council may modify the proposed placement of required elements within the landscape strip based upon the nature of any screening on adjacent plot(s) and the presence of any intervening right-of-way or easement that would allow for maintenance of the required landscaping improvements. Where a required landscape strip would abut an existing fence, wall or hedge on adjoining property, it shall be desirable to avoid the creation of a non-accessible, unmaintained and ineffective strip of land running between parallel fences and walls.

(E) Industrial uses or plots shall provide a landscape buffer as required in Subsec. (D), along plot and street lines. For open air storage in the M and commercial districts, and all outdoor industrial operations and activities, the opaque wall requirement shall be increased to eight (8) feet with openings only for ingress and egress of pedestrians and vehicles. Such openings shall be equipped with opaque gates the same height as the wall. Storage of materials shall not exceed the height of the enclosing wall.

(F) Necessary accessways from a street through all such landscaping buffers and barriers shall be permitted to service the vehicular use areas, and such accessways may be subtracted from the lineal dimension used to determine the number of trees required. Otherwise, the required landscape buffers and materials required therein shall be continuous and unpierced.

(G) A chain link fence shall not be used as a required opaque barrier within a buffer unless it is accompanied by a hedge that will reach the required height of the fence and render the barrier opaque within one (1) year after planting.

(H) All walls required and permitted herein shall be constructed of poured concrete, prefabricated concrete panels or masonry construction, finished on both sides with two (2) coats of cement stucco and painted on both sides to complement or match the color of adjacent structures. Dark colors shall be prohibited.

(I) The landscape buffers required in this Section are minimum buffer widths and may need to be increased in width to comply with the light trespass limitations of Article 95, "Outdoor Lighting Standards."

(J) *Parking Area Interior Landscaping.* An area, or a combination of areas, equal to (10) percent of the total VUA, exclusive of perimeter landscape buffers required under this Subsection, shall be devoted to interior landscaping.

(1) Any perimeter landscaping provided in excess of that required by this Section shall be counted as part of the interior landscaping

requirements, as long as such landscaping is contiguous to the VUA and fulfills the objective of this Subsection.

- (2) All parking areas shall be so arranged so that if there are ten (10) or more contiguous parking stalls along the same parking aisle, the eleventh (11th) space shall be a landscaped peninsula a minimum of five (5) feet in width. Other suitable solutions or innovative designs may be substituted when approved by the Town.
- (3) There shall be a minimum of one (1) tree planted for every landscaped area, and in no instance shall there be less than one (1) tree and three (3) shrubs for each two hundred (200) square feet, or fraction thereof, of required interior landscaped area.
- (4) All approved grass parking areas shall meet the same landscaping requirements as paved parking, and will not count as pervious space.

Section 075-080. Sight distance for landscaping adjacent to street intersections and points of access.

Placement of landscaping materials shall observe the site distance requirements of Sec. 085-030, "Site distance triangle."

Section 075-090. Landscaping within public and private rights-of-way.

The owner of every developed plot shall be responsible for sodding the area in between the plot line and the adjacent street(s) to the edge of pavement. Installation of trees and shrubs within town right-of-way requires a town permit.

Section 075-100. Nonvehicular open space.

All nonvehicular open space on any site except residential plots, which are governed Sec. 075-110, "Single-family requirements," shall conform to the following requirements:

(A) General Landscape Treatment.

- (1) Groundcover, shrubs and other landscape materials shall be installed to cover all nonvehicular open space areas not covered by paving or structures. No substance that prevents water percolation shall be used in areas not approved for paving or structures. Planting practices shall comply with xeriscape requirements.

- 1 (2) Each structure shall be treated with landscaping to enhance the
 2 appearance of the structure and to screen any unattractive or
 3 unsightly appearance, with a minimum of twenty percent (20%) of the
 4 front of the structure being planted with shrubs at a minimum of two
 5 (2) feet in height.
 6
- 7 (B) *Shrub and Tree Requirements.* Shrubs and trees shall be planted in the
 8 nonvehicular open spaces to meet the following requirements:
 9
- | | |
|--------------------|--------------------------------------------|
| 10 Percent of Site | |
| 11 in Nonvehicular | |
| 12 Open Space | |
| 13 <u>(NOS)</u> | <u>Tree and Shrub Requirements</u> |
| 14 Less than 30% | 1 tree and 10 shrubs per 2,000 square feet |
| 15 30--39% | 1 tree and 8 shrubs per 2,500 square feet |
| 16 40--49% | 1 tree and 6 shrubs per 3,000 square feet |
| 17 50% or more | 1 tree and 6 shrubs per 3,500 square feet |
| 18 | |
- 19 (C) *Screening of Equipment.* Dumpsters, mechanical equipment and electrical
 20 transformers shall be screened on at least three (3) sides by landscape
 21 material that is a minimum of thirty (30) inches in height. Such screening
 22 shall not interfere with normal operation of equipment. In addition, bus
 23 shelters which are located within property lines shall be screened with
 24 plant material a minimum of two (2) feet in height on three (3) sides, and
 25 one canopy tree, ten (10) feet in height.
 26
- 27 (D) *Signs.* All freestanding sign installations require the installation and
 28 establishment of plant material to enhance the structure, at a minimum of
 29 one shrub for every two (2) feet of lineal width of the sign structure on
 30 each side; and ground cover, a minimum of five (5) feet around the
 31 perimeter of the sign base, designed in such a manner so as to not block
 32 the message on the sign.
 33
- 34 (E) *Billboard signs.* All billboards require the installation and establishment of
 35 plant material to soften the appearance of the structure. A minimum of
 36 four (4) trees, chosen from a list of trees that will attain a height of not
 37 more than fifteen (15) feet, and a minimum of one (1) shrub for every two
 38 (2) lineal feet of sign structure width shall be planted around the base of
 39 sign.
 40
- 41 (F) *Minimum Landscape Credits and Adjustments.* An owner shall receive
 42 credit against the minimum landscape code requirements of this Article for
 43 preservation, replacement or relocation of existing trees as set forth in
 44 Chapter 27, Article XIV, Tree Preservation and Abuse, other than
 45 preserved ecological communities, on a one-for-one basis.
 46

1
2 **Section 075-110. Single-family requirements.**
3

4 All new single-family dwellings shall conform to the following minimum
5 landscaping requirements:
6

7 (A) *Landscape Plans.* Individual Single-family residences not including
8 common area landscaping may submit landscape plans in the form of a
9 landscape permit application, which includes acceptable plant material
10 choices, to be chosen by the applicant, from a list provided by the Town,
11 stating quantity, size, and quality of plant material, including planting
12 specifications, as required by this Article. Actual landscape drawings are
13 not required for single-family dwellings.
14

15 (B) Turf shall be used in the front yard but is not required to extend past the
16 first one (1) acre of property, measured from each abutting street line. The
17 remainder of the property must be maintained, either in its natural state, in
18 pasture land or other approved open space. This area, however, may not
19 contain any invasive species as identified in this Article, which must be
20 removed from the site.
21

22 (C) *Shrub and Tree Requirements.*
23

24 (1) A minimum of three (3) trees of two (2) different species and ten (10)
25 shrubs shall be planted per lot, plus one (1) tree and three (3) shrubs
26 per three thousand (3,000) square feet of lot area; however, there
27 shall be no more than ten (10) trees and thirty (30) shrubs required
28 per net acre.
29

30 (2) Where possible as determined by the Town Administrator, a
31 minimum of two (2) trees shall be required in the front of the plot.
32 Shrubs shall be incorporated in a manner on the site so as to be a
33 visual screen for mechanical equipment or other accessories to the
34 residence.
35

36 (3) Trees required in this Subsection shall have a minimum overall height
37 of ten (10) feet to twelve (12) feet with a minimum canopy spread
38 characteristic of the species at such height and DBH requirements.
39

40 **Section 075-120. Farms.**
41

42 Plots, or portions thereof, with a Town Farm Designation pursuant to Article 155,
43 "Administrative Farm Claim Determinations," are exempt from the requirements
44 of this Article pertaining only to on-site landscaping to the extent such
45 requirements prohibit, restrict, or otherwise limits a generally acceptable farming
46 practice, provided any portion of a farm plot containing a house and not used

1 primarily for farm purposes, inclusive of the landscaped area required (B),
2 above, shall comply with the requirements of this Article.

3
4
5 **Section 075-130. Nonconforming properties.**
6

7 (A) All developed residential plots shall be required to comply with this Article
8 prior to issuance of a Certificate of Occupancy for any new construction on
9 a plot exceeding the lowest of either twenty-five percent (25%) of the
10 square footage of the existing dwelling, or one-thousand (1,000) square
11 feet.

12
13 (B) All developed nonresidential plots shall be required to achieve maximum
14 possible compliance with this Article prior to issuance of a Certificate of
15 Occupancy for any improvement requiring site plan modification or a new
16 site plan. Maximum compliance shall not be construed to require a
17 variance or a creation or exacerbation of a nonconformity.
18

19
20 **ARTICLE 80. OFF-STREET PARKING AND LOADING**
21

22 **DIVISION 1. USE, LOCATION AND MINIMUM REQUIRED PROVISION OF**
23 **PARKING, STACKING AND LOADING SPACES.**
24

25
26 **Section 080-010. Off-street parking required.**
27

28 (A) Every building, use or structure, except buildings and structures on portions
29 of plots occupied by a farm, instituted or erected after the effective date of
30 this Article shall be provided with off-street parking facilities in accordance
31 with the provisions of this Article for the use of occupants, employees,
32 visitors or patrons.
33

34 (B) All existing off-street parking facilities and all off-street parking facilities
35 instituted after the effective date of this Article shall be maintained and
36 continued as an accessory use as long as the building with which the off-
37 street parking facilities are associated continues to exist.
38

39 (C) When any building is modernized, altered or repaired, and provided there is
40 no increase in floor area, capacity, density, or change of occupancy, no
41 additional parking space shall be required.
42

43 (D) When any structure or use, either existing prior to the effective date of this
44 Article or constructed or instituted subsequent to the effective date of this
45 Article is changed in use or occupancy, or is increased in capacity, floor
46 area or density, any additional parking spaces required by this Article for

1 the new use or additional floor area, capacity or density over and above
2 what would be required for the existing use, floor area, capacity or density
3 shall be provided. Any such change in use or occupancy or increase in
4 floor area, capacity or density shall also require full site compliance with the
5 requirements of Article 75, "Landscaping." For the purpose of this Section,
6 a change of use or occupancy shall mean a change from one category of
7 off-street parking requirements to another such category under Sec. 080-
8 070, "Amount of off-street parking."
9

10 (E) Any change of use or occupancy, or any increase in floor area, capacity or
11 density pursuant to Subsection (D), above, that would result in more than a
12 fifty percent (50%) increase of parking spaces to the existing off-street
13 parking facilities, shall require the entire premises to be brought into full
14 conformance with the requirements of this Article, as a condition of the
15 issuance of any site plan approval or permit required for such changes.
16

17 (F) *Maintenance*. It shall be unlawful for any owner or operator of any building,
18 structure or use affected by this Article to discontinue, change or dispense
19 with the required parking facilities, apart from the discontinuance of such
20 structure or use, without establishing alternative vehicle parking facilities
21 which meet the requirements of this Article. It shall be unlawful for any
22 person to occupy such building or structure for any purpose without
23 providing the off-street parking facilities to meet the requirements of, and
24 be in compliance with this Article. Failure to maintain the required off-street
25 parking facilities in accordance with this Article shall constitute grounds for
26 revocation of any certificate of use and occupational license issued for use
27 of the premises, and mandatory cessation of the use.
28

29 (G) It shall be unlawful to use any part of private or public property for off-street
30 parking or storage of vehicles which is not constructed, designated and
31 maintained in compliance with this Article.
32
33

34 **Section 080-020. Use of off-street parking facilities.**

35

36 Parking spaces approved in conformance with this Article may be used only for
37 parking of vehicles of owners, tenants, employees and customers utilizing the
38 building or site served by such required parking space. The following uses and
39 activities are prohibited in off-street parking facilities:
40

41 (A) Parking to serve an off-site building, except as provided under Sections
42 080-040, "Shared usage," and 080-100, "Off-site parking lots";
43

44 (B) Storage, repair or commercial display of any vehicles, equipment or
45 merchandise;
46

- 1 (C) Parking or storage of commercial vehicles owned, operated or used in the
2 business of a commercial occupant of a building between the hours of 8:00
3 a.m. and 5:00 p.m.;
- 4
- 5 (D) Parking of recreational vehicles, boats and accessory equipment on
6 nonresidentially zoned or used property; and
- 7
- 8 (E) Parking of any vehicle, which due to its size, shape, contents or location,
9 creates an obstruction or public safety hazard or which cannot be
10 contained within a single designated parking space.
- 11
- 12 (F) Parking or storage of any vehicle on a nonresidential plot for purposes of
13 advertising a vehicle for sale.
- 14
- 15

16 **Section 080-030. Alterations, additions and modifications.**

17

18 In cases of a nonconforming structure or structure occupied by a nonconforming
19 use, where repairs, alterations or refurbishing are carried out in accordance with
20 Article 30, "Nonconforming Uses, Structures, and Plots," to bring a structure
21 and/or use into compliance with the Code, or when a modification to an
22 approved site plan is proposed, existing off-street parking facilities and
23 landscaping shall be repaired, refurbished and brought into compliance with the
24 Code to the maximum extent possible. In so doing, the provision of required
25 parking shall take precedence over provision of landscaped areas.

26

27

28 **Section 080-040. Shared usage.**

29

30 Required parking spaces may be permitted to be utilized for meeting the parking
31 requirements of two (2) or more separate permitted uses when it is clearly
32 established by the applicant that the different uses will utilize the spaces at
33 different times of the day, week, month or year, such as an office sharing spaces
34 with a dinner-only restaurant, such that the total number of parking spaces
35 required by this Article for each use is fully available during the operation of each
36 use. A recordable covenant, with the correct legal description, shall be
37 submitted by the owners of the property and all businesses or tenants involved
38 in a form acceptable to the Town Attorney. The covenant shall be recorded in
39 the public records of Broward County at the applicant's expense, and shall run
40 with the land. The covenant shall provide that the use or portion of a use, that
41 requires the shared parking in order to obtain the necessary permits or licenses,
42 shall cease and terminate upon any change in the uses' respective schedules of
43 operation that results in conflicting or overlapping usage of the parking facilities,
44 and that no use may be made of that portion of the property until the required
45 parking facilities are available and provided. The covenant shall also provide

1 that the Town may collect attorneys' fees if litigation is necessary to enforce the
2 requirements of this Section.
3
4

5 **Section 080-050. Combined off-street parking.**
6

7 Nothing in this Article shall be construed to prevent collective provision for, or
8 joint use of, off-street parking facilities for two (2) or more buildings or uses by
9 two (2) or more owners or operations, provided that the total of such parking
10 spaces when combined or used together shall not be less than the sum of the
11 requirements of the several individual uses computed separately in accordance
12 with this Article. In such cases, a recorded agreement shall be executed in the
13 same manner as provided for in Section 080-040, above.
14
15

16 **Section 080-060. Calculating required parking.**
17

18 (A) *Uses not specifically mentioned.* The parking requirements for uses not
19 specifically mentioned shall be the same as provided in this Article for the
20 most similar use as determined by the Town Administrator.
21

22 (B) *Fractional spaces.* When units or measurements determining the total
23 number of required off-street parking spaces result in a fractional space,
24 any such fraction shall require a full off-street parking space.
25

26 (C) *Mixed uses.*
27

28 (1) In the case of mixed uses, the total requirement for off-street parking
29 spaces shall be the sum of the various uses computed separately,
30 except that shopping centers, general industrial complexes and
31 storage or distribution warehouses as specified each have single,
32 comprehensive parking ratios to account for all permitted uses within
33 such centers.
34

35 (2) *Shared usage.* Section 080-040, "Shared usage," designates the
36 requirements for time of operation differences between uses.
37

38 (D) *Measurements.* Gross floor area shall mean the gross floor area inside the
39 exterior walls. In stadiums, sports arenas, religious facilities, bars and
40 other places of assembly in which occupants utilize benches, pews, stools
41 or other similar seating facilities, every twenty (20) lineal inches of such
42 seating shall be counted as one (1) seat for the purpose of computing off-
43 street parking requirements.
44

- 1 (E) *Open air seating.* Open air seating shall mean any seating area without a
2 heating or cooling system and where a minimum of two (2) sides are open
3 and unenclosed by walls other than canvas or mesh screening.
4

5
6 **Section 080-070. Amount of off-street parking.**
7

- 8 (A) The following minimum amounts of off-street parking shall be provided for
9 all residential buildings and uses:
10

<u>Types of Buildings and Uses</u>	<u>Min. Number of Parking Spaces Required per Indicated Unit</u>	<u>Unit of Measure</u>
(1) One-family detached dwelling	2.0	Per each dwelling unit
(5) Private school dormitory	1.0	For owner or manager
(10) Clubhouse or recreation building for residential development	1.0	Per each 200 square feet of gross floor area

- 21
22 (B) The following minimum amounts of off-street parking shall be supplied for
23 all business and commercial buildings and uses:
24

(1) Hotel	3.0	Per 4 sleeping rooms Plus 65% of the required amount of parking specified in this section for other uses when operated in conjunction with and as part of a hotel
(2) Athletic field seating, auditorium	1.0	Per 4 fixed seats
Plus	1.0	Per 200 square feet of assembly area not having fixed seating
(3) Amusement center, game room, pool or billiard center	1.0	Per 200 square feet of gross floor area
(4) Private club, lodge, union hall	1.0	Per 100 square feet of gross floor area
(5) Gym, fitness center	1.0	Per 150 square feet of gross floor area
(6) Skating rink, dance hall	1.0	Per 100 square feet of gross floor area minus restrooms, storage rooms, offices and other areas prohibited to the general public
(7) Theater	1.0	Per each 4 seats

1	(8) Full-service restaurant,		
2	dinner theater	1.0	Per 100 square feet of gross floor
3	area		
4	Plus	1.0	Per 200 square feet of open air
5	seating area		
6	(9) Fast food restaurant	1.0	Per 50 square feet of customer
7			service area and seating
8	Plus	1.0	Per 200 square feet of remaining
9			floor areas
10	Plus	1.0	Per 200 square feet of open air
11			seating area
12	(10) Bar, lounge, tavern,		
13	pub, nightclub, bottle club	1.0	Per 30 square feet of customer
14			service area
15	Plus	1.0	Per 250 square feet of remaining
16			floor area
17	Plus	1.0	Per 2 lineal feet of bar seating
18			
19	(11) Take-out restaurant,		
20	delicatessen, bakery	1.0	Per 50 square feet of customer
21			service area
22	(12) Mobile food unit	1.0	For the food unit
23	Plus	2.0	For customers
24	(13) Food catering, food delivery	1.0	Per 400 square feet of gross floor
25			area
26	(14) Business and professional office	1.0	Per 250 square feet of gross floor
27			area
28	Or	1.0	Per individual business, whichever
29			results in a greater required
30			amount
31	(15) Medical, dental, psychiatric,		
32	chiropractic, veterinary office		
33	or clinic	2.0	Per each patient examination room
34			
35	Plus	1.0	Per 250 square feet of remaining
36			floor area
37	(16) Government office, bank,		
38	financial institution	1.0	Per 200 square feet of gross floor
39			area
40	(17) Post office, courier service	1.0	Per 50 square feet of customer
41			service area

1	Plus	1.0	Per 200 square feet of remaining
2			floor area
3	(18) Retail store, personal service		
4	shop, not otherwise specified	1.0	Per 300 square feet of gross floor
5			area
6	Or	1.0	Minimum for each individual
7			retailer
8	(19) Wholesale store, home		
9	improvement center	1.0	Per 500 square feet of gross floor
10			area in buildings less than 20,000
11			square feet
12		1.0	Per 1,000 square feet of gross
13			floor area in buildings 20,000
14			square feet or more
15	(20) Retail furniture, flooring,		
16	appliance store	1.0	Per 500 square feet of gross floor
17			area
18	(21) Supermarket, department store	1.0	Per 150 square feet of retail sales
19			area
20	Plus	1.0	Per 500 square feet of warehouse
21			storage area
22	Plus	1.0	Per 200 square feet of remaining
23			floor area
24	(22) Convenience store	1.0	Per 150 square feet of gross floor
25			area
26	Plus		Stacking spaces as required for
27			gasoline pumps
28	(23) Beauty salon, nail salon,		
29	barber shop	1.0	Per 250 square feet of gross floor
30			area
31	(24) Photocopy or printing shop	1.0	Per 500 square feet of gross floor
32			area
33	(25) Repair shops for household		
34	and personal items	1.0	Per 250 square feet of gross floor
35			area
36	Or	1.0	Minimum if less than 250 square
37			feet
38	(26) Dry cleaning or laundry		
39	drop-off and pick-up	1.0	Per 250 square feet of gross floor
40			area
41	(27) Mobile collection center	2.0	Per trailer unit
42	(28) Auto cleaning, detailing	4.0	Minimum

1		Plus	1.0	Per 400 square feet of washing
2				area
3	(29) Self-service or automated car wash			See stacking spaces in Section
4				080-120(K)
5	(30) Auto repair garage, auto			
6	paint or body shop	3.0		Per service bay
7		Plus	1.0	Per outside storage area (no
8				wrecked or junk vehicles may be
9				stored outside building)
10		Plus	1.0	Per 600 square feet of separate
11				parts storage floor area
12	(31) Plant nursery, tree farm or			
13	other crops, open-air			
14	produce market	3.0		Minimum
15		1.0		Per each 1,000 square feet of
16				display area open to the public
17				
18	(32) Boarding and breeding kennel	1.0		Per 600 square feet of gross floor
19				area
20	(33) Shopping center:			If gross aggregate floor area is
21				less than 10,000 square feet, all
22				uses shall be calculated separately
23				10,000 to 40,000 1.0 Per 200
24				square feet square feet of gross
25				(limited to 5% of total floor area for
26				restaurants, bars, theaters, clubs)
27	40,000 to 200,000	1.0		Per 250 square feet square feet of
28				gross floor area (limited to 10%
29				of total floor area) total floor area
30				for restaurants, bars, theaters or
31				clubs)
32	Over 200,000			
33	square feet	1.0		Per 300 square feet (limited to
34				20% of total floor area for
35				restaurants, bars, theaters or
36				clubs if Restaurants, bars,
37				theaters or clubs exceed
38				percentages as limited above,
39				such facilities shall be calculated
40				as would be required if such
41				uses were separate and distinct)

(C) The following minimum amounts of off-street parking shall be provided for all industrial uses of buildings and properties:

(1) Each individual business			
in a building	1.0	Minimum or parking as required following, whichever results in a greater amount of off-street parking	
(2) Manufacturing, assembly, general industrial			
	1.0	Per 500 square feet of gross floor area (first 10,000 square feet)	
Plus	1.0	Per 1,000 square feet over 10,000 square feet	
Accessory offices and showrooms less than 10% of gross floor area of building	0.0	No additional spaces required	
Accessory offices and showrooms more than 10% of gross floor area	1.0	Per 300 square feet of office or showroom area of building	
(3) Research or testing laboratory	1.0	Per 500 square feet of gross floor area	
(4) Contractor shop, storage yard and salvage yard			
	1.0	Per 400 square feet of gross floor area	
Plus	1.0	Per 5,000 square feet of outside storage area	
Plus	1.0	Per truck, trailer, etc. used in conjunction with the business	
(5) Fuel distributor			
	1.0	Per truck, trailer, etc. used in conjunction with the business	
Plus	1.0	Per each 2 employees and executives	
(6) Food processing, bottling establishment	1.0	Per 500 square feet of gross floor area	
(7) Self-storage warehouse	1.0	Per 200 storage units	

1		Plus	2.0	For office and manager's quarters
2				(limited to 1,200 square feet gross
3				floor area)
4				
5		Plus		A 10-foot wide parking lane on
6				either side of any driveway which
7				provides access to storage units.
8				Such parking lanes shall be
9				delineated along the entire length
10				of the building or buildings which
11				the parking lane serves.
12	(8) Storage and distribution warehouse:			
13	Under 20,000			
14	square feet	1.0		Per 500 square feet of gross floor
15				area
16	20,000 to 40,000			
17	square feet	1.0		Per 1,000 square feet of gross
18				floor area
19	Over 40,000 square			
20	feet of gross floor area	1.0		Per 2,000 square feet of gross
21				floor area
22	Accessory offices and showrooms			
23	less than 10% of gross floor area			
24	of building	0.0		No additional spaces required
25	Accessory offices and showrooms			
26	more than 10% of gross floor area			
27	of building	1.0		Per 300 square feet of office area
28	(9) Penal institution	1.0		Per employee calculated per
29				largest work shift
30				
31	(D) The following minimum amounts of off-street parking shall be provided for			
32	all outdoor recreational uses and properties:			
33				
34	(1) Skateboard park	1.0		Per 200 lineal feet of ramp
35	Plus	1.0		Per 250 square feet of gross floor
36				area of buildings used for
37				accessory uses such as snack
38				bars, game rooms, retail, etc.
39	(2) Waterslide	25.0	Per first flume (slide)	
40	Plus	10.0		Per each additional flume
41	Plus			Parking as required for other uses
42	(3) Commercial pool	1.0		Per 50 square feet of water area

1		Plus		Parking as required for other uses
2				such as bars, restaurants, etc.
3	(5) Golf course		4.0	Per golf green
4		Plus	1.0	Per 250 square feet of gross floor
5				area of clubhouse, pro shop,
6				restaurant, etc.
7	(6) Miniature golf course		2.0	Per hole
8		Plus	4.0	For employees
9		Plus		Parking as required for other uses
10				on site
11	(7) Target range, batting cage		1.5	Per target position
12		Plus	2.0	For employees
13		Plus		Parking as required for other uses
14				on site
15	(8) Sports court		2.0	Per court
16		Plus		Parking as required for other uses
17				on site
18	(9) Athletic field seating			
19			1.0	Per each 5 seats
20		Plus	1.0	Per 250 square feet of gross floor
21				area of buildings on site
22	(10) Outdoor recreation club, retreat		10.0	Per net acre of plot designated for
23				such use
24		Plus		Parking as required for other uses
25				on site
26	(11) Public parks and public			
27	recreation areas, other than			
28	county owned or operated facilities			Determined by the agency
29				facilitating and maintaining the use
30	(12) Nonprofit community centers			
31	(i.e. child or adolescent activity			
32	centers, athletic facilities, etc.)		1.0	Per 400 sq. ft. of assembly areas
33		Plus	1.0	Per each staff member
34				
35	(E) The following minimum amounts of parking shall be provided for uses of			
36	buildings or property specified below:			
37				
38	(1) Hospital		1.0	Per patient bed
39		Plus	1.0	Per 1,000 square feet of gross
40				floor area

1	(2) Animal hospital	1.0	Per 200 square feet of gross floor
2			area in waiting and treatment
3			rooms and offices
4	(3) Nursing home, sanitarium, convalescent		
5	or rehabilitation home	1.0	Per each 2 beds
6	Plus	1.0	Per each 200 square feet of office
7			and administration area
8	(4) Library, museum, art gallery	1.0	Per each 200 square feet of gross
9			floor area
10	(5) Places of worship	1.0	Per each 4 seats
11	Or	1.0	Per 50 square feet of worship
12			area, whichever results in a
13			greater amount of required parking
14	(6) Funeral home, mortuary	1.0	Per each 4 seats
15		25.0	Minimum spaces
16	(7) Cemetery	10.0	plus 1 per acre of the cemetery
17	(8) Day care center, preschool	1.0	Per 400 square feet of gross floor
18			area
19	Plus		Stacking spaces as specified in
20			Sec. 080-120(K)
21	(9) Elementary and middle schools	1.0	Per classroom
22	Plus	1.0	Per 400 square feet of auditorium
23			or other assembly area
24	Plus		Stacking spaces as specified in
25			Sec. 080-120(K)
26	(10) Senior high school	1.0	Per classroom
27	Plus	1.0	Per each 5 students
28	Plus	1.0	Per 400 square feet of gross floor
29			area of administration, office and
30			assembly areas
31	(12) Art, music, theatrical school	1.0	Per 250 square feet of gross floor
32			area
33	(13) Business, trade and		
34	vocational school	1.0	Per 60 square feet of classrooms
35	Plus	1.0	Per 200 square feet of remaining
36			areas
37	(14) Telephone exchange, other		
38	buildings housing automatic		
39	or special equipment where		
40	no customers or patrons visit		
41	or are served	1.0	Per 500 square feet of gross floor
42			area

1
2 **Section 080-080. Parking for disabled persons.**
3

4 All applicable state and federal laws relating to parking spaces for certain
5 disabled persons in all public and private parking areas, including minimum
6 dimensions, requirements, location and posting of signs shall be adhered to on
7 all proposed developments and parking facilities which require revisions.
8
9

10 **Section 080-090. Location of off-street parking spaces.**
11

12 (A) *Location.* The off-street parking facilities required by this Article shall be
13 located on the same plot or parcel of land such facilities are intended to
14 serve, except as provided in Section 080-100, "Off-site parking lots," below.
15 All off-street parking facilities shall be located on property that is in a zoning
16 district permitting such use, and shall be designed, developed and
17 maintained in accordance with all applicable provisions of this Article.
18

19 (B) *Overhead garage doors.* No required off-street parking space may be
20 located in front of any overhead garage door or other loading area in a
21 nonresidential building, except self-storage warehouses. Such area may,
22 however, be used to satisfy the requirements of Section 080-130, "Off-
23 street loading," providing sufficient driveway or aisle width according to
24 Table 80-1 is provided adjacent to such off-street loading area.
25
26

27 **Section 080-100. Off-site parking lots.**
28

29 For nonresidential uses, a separate plot, the nearest property line of which is
30 located within five hundred (500) feet of the nearest property line of the premises
31 it is intended to serve, may be used to satisfy up to twenty-five percent (25%) of
32 the required off-street parking. Such off-site facilities shall be permitted in
33 commercial and community facility zoning districts only. .
34

35 When the required off-street parking is to be provided upon a separate plot of
36 land the owner of such separate plot of land and the owner of the land intended
37 to be served by such off-street parking facilities shall enter into an agreement
38 with the Town, whereby the land providing the additional parking area shall
39 never be sold or disposed of except in conjunction with the sale of the building or
40 the use which the additional parking area serves, so long as such parking
41 facilities are required; and said agreement shall be approved by the Town
42 Attorney, and recorded in the public records of Broward County, Florida, at the
43 expense of the owner. The agreement shall be considered to be a restriction
44 running with the land, and shall bind the heirs, successors and assigns of said
45 owner; however, if an alternative parking location is found which complies with
46 the provisions of the Code, and is made subject to a recorded agreement as

1 above specified, it may be substituted for the previous separate plot of land
2 utilized for parking. In the case of a new or substitute agreement for the use of a
3 separate plot of land to meet off-street parking requirements, the original or
4 preceding agreement shall be voided by the execution and recording of the new
5 agreement.

6
7 (A) Except as provided in paragraph (8) of this Section, the minimum plot size
8 for off-site parking lots shall be ten thousand (10,000) square feet of net
9 area with a minimum street frontage of one hundred (100) feet on a public
10 right-of-way at least sixty (60) feet in width which is designated as a
11 collector or arterial road on the Broward County Trafficways Plan.

12
13 (B) Except as provided in paragraph (8) of this Section, access to the parking
14 lot shall only be from the designated collector or arterial road.

15
16 (C) A landscape buffer shall be provided on all sides of the plot in accordance
17 with Section 075-070, "Nonresidential perimeter and vehicular use area
18 landscape requirements."

19
20 (D) The off-site parking facility must comply with all requirements of this Article.
21 New or modified parking lots must receive site plan approval pursuant to
22 Article 120, "Site Plan Procedures and Requirements."

23
24 (E) No signs shall be permitted except entrance and exit signs, and signs
25 identifying the purpose of the off-site parking lot. Such signs shall be no
26 larger than six (6) square feet and not higher than four (4) feet above the
27 ground unless affixed flush on the required visual barrier. No exterior
28 illumination of such signs shall be permitted.

29
30 (F) Off-site parking lots shall be used only for the temporary parking of
31 operable, currently licensed private passenger vehicles of patrons of the
32 nonresidential property which the parking lot serves.

33
34 (H) Where a residential plot used for off-site parking is contiguous to or
35 separated from the nonresidential property it serves by a dedicated alley,
36 such plot may be used for all or any portion of required parking for the
37 nonresidential plot it serves. The provisions of paragraphs (1) and (2) of
38 this section shall not be applicable, provided the off-site parking is
39 accessed only from the dedicated alley or from the nonresidential plot it
40 serves.

1
2 **Section 080-110. Additional and overflow parking.**
3

4 Every building, use or structure which complies with the off-street parking
5 requirements of this Article may provide additional parking spaces. Such
6 parking spaces may be designed as tandem if attendant parking is utilized. The
7 Town Council may require that any such additional parking spaces be surfaced
8 with grass.
9

10
11 **Section 080-120. Drive-through facilities.**
12

- 13 (A) Businesses that provide a drive-through service are required to provide
14 drive-through service lanes with stacking spaces for stacking or queuing
15 motor vehicles, as separate and distinct lanes from the circulation lanes
16 necessary for entering or exiting the plot.
17
- 18 (B) Each drive-through lane or stacking space shall be separated from other
19 on-site lanes and aisles. Each such drive-through lane or stacking space
20 shall be curbed, striped, marked or otherwise distinctly delineated.
21
- 22 (C) Drive-through lanes leading to or from gasoline pumps or pump islands
23 shall provide a minimum width of twelve (12) feet for one-way entrance and
24 exit. All drive-through lanes which lead to two (2) gasoline pump islands
25 shall provide a minimum of twenty-four (24) feet from curb to curb, between
26 pumps or pump islands.
27
- 28 (D) All drive-through bank facilities shall provide a minimum eight (8) feet wide
29 vehicular service position between each drive-in teller facility.
30
- 31 (E) A separate and distinct escape lane shall be provided, unless the drive-
32 through lane and stacking spaces adjoin and are parallel to a parking aisle
33 at least twenty-four (24) feet in width. A public street or alley shall not be
34 counted as an escape lane.
35
- 36 (F) Drive-through lanes or stacking spaces shall not conflict or otherwise
37 hamper access to or from any parking space.
38
- 39 (G) Pedestrian walkways shall be clearly separated from drive-through lanes or
40 stacking spaces.
41
- 42 (H) Except for drive-through teller facilities at banks and gasoline pump island
43 drive-through lanes as specified above, any other drive-through lane shall
44 be nine (9) feet wide, and each stacking space shall be nine (9) feet wide
45 by twenty-two (22) feet in length.
46

- (I) Inbound stacking spaces shall be counted from the first stopping point. Outbound stacking spaces shall be counted from the last stopping point.
- (J) The required amount of stacking spaces shall be as described in Subsection 080-120(K), below; any business not listed shall have the same requirements as the most similar use described therein as determined by the Town Administrator.
- (K) Stacking spaces necessary per service position or drop-off point for the provisions of this Section shall be determined using the following table:

Type of Facility	Inbound Vehicles	Outbound Vehicles
Bank	6	1
Beverage, food	6	1
Dry cleaning	3	1
Attendant car wash	10	6
Automatic car wash	6	4
Automatic car wash as accessory use	3	2
Gasoline/diesel fuel pump island	4	1
Day care center	3	3
Skating rink	3	3
Elementary, middle or high school	6	4
All other facilities	4	2

Section 080-130. Vehicular reservoir areas.

Adequate reservoir capacity shall be required for both inbound and outbound vehicles to facilitate the safe and efficient movement between the public right-of-way and the development. An inbound reservoir shall be of sufficient size to ensure that vehicles will not obstruct the adjacent roadway, the sidewalk and the circulation within the facility. An outbound reservoir shall be required to eliminate backup and delay of vehicles within the development.

- (A) *Design.* A reservoir area shall be designed to include a space of twelve (12) feet wide by twenty-two (22) feet long for each vehicle to be accommodated within the reservoir area and so that vehicles within the reservoir area do not block parking stalls, parking aisles or driveways of off-street parking facilities.

(B) *Adjacent to trafficway.* The number of vehicles required to be accommodated within a reservoir area adjacent to a trafficway shall be in conformance with Table VI below.

(C) *Adjacent to non-trafficway street.* All off-street parking facilities shall provide a reservoir area at the point(s) of connection of a driveway with a public right-of-way. The reservoir area for any use other than single family detached shall accommodate at least one percent (1%) of the number of parking stalls served by the driveway. For parking lots with fewer than one hundred (100) cars, the reservoir area shall be able to accommodate at least one car.

TABLE VI. VEHICLE RESERVOIR AREA REQUIREMENTS

Type of Facility	Inbound Vehicles	Outbound Vehicles
<i>Residential:</i>		
Attendant parking	10% of the total parking capacity of the facility	1 space
Self-parking	5 spaces or 1% of the total parking capacity (use the greater figure)	1 space
Gatehouse (residential)	5 spaces	1 space
<i>Nonresidential:</i>		
Attendant parking	10% of the total parking capacity of the facility	1 space
Self-parking	5 spaces or 1% of the total parking capacity (use the greater figure)	1 space
Ticket gate (ticket dispensing machine)	4 spaces minimum	1 space
Cashier booth (tickets dispensed manually)	6 spaces minimum	1 space
Gatehouse (commercial)	5 spaces or 1% of the total parking capacity (use the greater figure)	2 spaces

Section 080-140. Off-street loading.

- (A) There shall be provided and maintained adequate space for loading and unloading of materials, goods or things, and for delivery and shipping on the same plot with every structure or use specified herein, except as provided in Subsection (B), below, that is hereafter erected or created, so that vehicles for these services may use this space without interfering with the public use of streets, alleys and off-street parking areas by pedestrians and vehicles. The off-street loading facility shall be designed to accommodate both the parking of and maneuvering of the design vehicle exclusive of those areas designated for aisles, driveways or parking stalls.
- (B) On-street loading shall be permitted on a nonresidentially zoned local cul-de-sac street abutting commercial and industrial development. Where permitted, such on-street loading areas shall berth the design vehicle exclusive of the public right-of-way.
- (C) Where any structure is enlarged or any use is extended so that the size of the resulting occupancy comes within the scope of this Section, the full amount of off-street loading space shall be supplied and maintained for the structure or use in its enlarged or extended size. Where the use of a structure or land or any part thereof is changed to a use requiring off-street loading space under this Section, the full amount of off-street loading space shall be supplied and maintained to comply with this Section.
- (D) For the purposes of this Section, an off-street loading space shall be an area at the grade level at least twelve (12) feet wide by forty-five (45) feet long with a fourteen (14) foot vertical clearance, except that for plots containing an aggregate amount of less than ten thousand (10,000) square feet of gross floor area of buildings, and for office buildings and banks, an off-street loading space may be ten (10) feet in width by twenty-five (25) feet long. Each off-street loading space shall be directly accessible from a street, alley or driveway without crossing or entering any other required off-street loading space, shall be clearly marked as to purpose, and shall be arranged for convenient and safe ingress and egress by motor truck and/or trailer combination. Off-street loading spaces shall not be located in a parking aisle and shall not be more than thirty (30) feet from the building which the off-street loading space serves. Any pedestrian walkway crossing ingress and egress to an off-street loading space shall be clearly marked.
- (E) Off-street loading spaces shall be provided and maintained in accordance with the following schedule:

- 1 (1) For each retail complex, storage warehouse excluding self-storage
2 warehouses, wholesale establishment, industrial plant, factory, freight
3 terminal, restaurant, mortuary, laundry, office building, dry cleaning
4 establishment or other use that receives and/or ships materials or
5 merchandise by truck, which has an aggregate gross floor area of:
6
7 Over 2,000 sq. ft. but not over 20,000 sq. ft.1 space
8 Over 20,000 sq. ft. but not over 60,000 sq. ft.2 spaces
9 Over 60,000 sq. ft. but not over 120,000 sq. ft.3 spaces
10 Over 120,000 sq. ft. but not over 200,000 sq. ft. . . . 4 spaces
11 Over 200,000 sq. ft. but not over 290,000 sq. ft. . . . 5 spaces
12
13 Plus, for each additional 90,000 sq. ft. over 290,000 sq. ft. or major
14 fraction thereof1 space
15
16 (2) For each auditorium, convention hall, exhibition hall, museum, hotel,
17 sports arena, stadium, hospital, or similar use which has an aggregate
18 gross floor area of:
19
20 Over 20,000 sq. ft. but not over 40,000 sq. ft. 1 space
21
22 Plus, for each additional 40,000 sq. ft. over 40,000 sq. ft. or major
23 fraction thereof1 space
24
25 (3) For any use not specifically mentioned in this Section, the
26 requirements for off-street parking for a use which is so mentioned
27 and to which the unmentioned use is similar shall apply. Residential
28 uses shall not require off-street loading facilities.
29
30 (F) Off-street loading facilities supplied to meet the needs of one use shall not
31 be considered as meeting off-street loading needs of any other use.
32
33 (G) No area or facilities supplied to meet the required off-street parking facilities
34 for a use shall be utilized for or be deemed to meet the requirements of this
35 Article for off-street loading facilities.
36
37 (H) Nothing in this Section shall prevent the collective, joint or combined
38 provision of off-street loading facilities for two or more buildings or uses on
39 the same site, provided that such off-street loading facilities are equal in
40 size and capacity to the combined requirements of the several buildings or
41 uses and are so located and arranged as to be usable thereby.
42
43

DIVISION 2. DESIGN AND CONSTRUCTION STANDARDS.

Section 080-150. Plans.

New parking lots, loading areas and modifications to existing parking lots and loading areas require site plan approval pursuant to Article 120, "Site Plans."

Section 080-160. Parking space, loading space, driveway and aisle dimensions.

(A) Parking spaces.

(1) The minimum size (in feet) of a parking space shall be as follows:

- 9' X 18' - standard space
- 9' X 23' - parallel space
- 12' X 18' - handicap space
- 10' X 25' - loading spaces [see Sec. 080-130]
- 12' X 45' - loading spaces [see Sec. 080-130]

(2) Parking spaces in self-parking facilities shall be designed according to, and shall not be smaller than, the minimum required dimensions in Table 80-1 and as depicted in Figure 80-1.

(3) Wheel stops shall be placed two and one-half (2 1/2) feet from the front of the parking space.

(B) *Drive aisles.* The minimum width of a parking aisle shall be twelve (12) feet for one-way traffic, and shall be clearly marked for one-way traffic, and twenty-four (24) feet for two-way traffic. If a parking aisle requires access for emergency vehicles, garbage trucks or trucks moving to or from a loading area, that parking aisle shall be at least twenty-four (24) feet wide. In self-parking facilities, drive aisles shall be designed according to, and shall not be smaller than, the minimum required dimensions in Table 80-1 and as depicted in Figure 80-1.

(C) Each parking space and parking aisle shall not be less than the parking dimension standards depicted in Table 80-I, Minimum Space Requirements at Various Parking Angles for Self-Parking Facilities

(D) The minimum distance from the ultimate street line at any ingress or egress driveway to any interior service drive or parking stall with direct access to such driveway shall be twenty-two (22) feet.

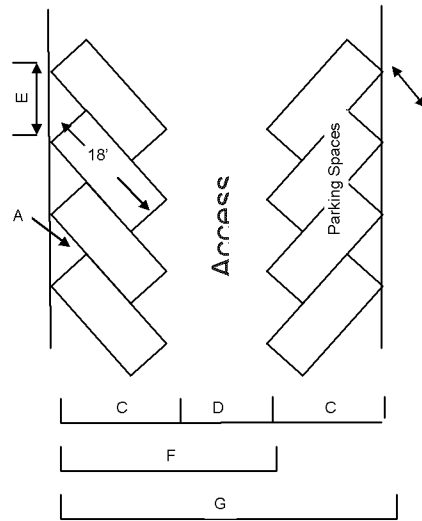
(E) In the case of a main ingress or egress point to a public street or highway from a site of a major development such as a shopping center or industrial park, the minimum distance from the ultimate street line of the driveway to any interior service drive or parking stall having direct access to such driveway shall be fifty (50) to one hundred (100) feet, as determined by the Town Engineer based upon the location, purpose and configuration of the particular driveway, as well as any available traffic study.

Table 80-1. Minimum space requirements at various parking angles for self-parking facilities

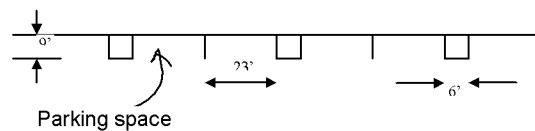
A	B	C	D*	E	F	G
PARKING ANGLE (DEGREES)	STALL WIDTH	STALL DEPTH	AISLE WIDTH	CURB LENGTH	HALF BAY	FULL BAY
0**	9	9	12	23	21	30
20	9	14.6	12	26.3	25.6	40.2
22.5	9	15.2	12	23.5	26.2	41.4
30	9	16.8	12	18	28.8	45.6
40	9	18.5	12	14	30.5	49
45	9	19.1	15	12.7	34.1	53.2
50	9	19.6	15	11.7	34.6	54.2
60	9	20.1	18	10.4	38.1	58.2
70	9	20	19	9.6	39	59
75	9	19.7	22	9.3	41.7	61.4
80	9	19.3	24	9.1	43.3	62.6
90	9	18	24	9	42	60

* Dimensions are for one-way direction movement. Two-way direction movement requires a minimum of twenty-four (24) feet, regardless of parking angle and dimensions given in the table, above.

Figure 80-1



****** Parallel parking shall be designed according to the following diagram. Note: for additional parameters not described herein, refer to pages 53-57 of *Architectural Graphic Standards*, latest edition, The American Institute of Architects.,:



Section 080-170. Access requirements for parking facilities.

- (A) All required parking areas shall be directly accessible from a public or private street, alley, or recorded ingress and egress easement. All off-street parking areas shall be designed to permit safe maneuvering of vehicles, and each space shall be accessible without driving over or through any other parking space, except for one-family detached dwellings, two-family dwellings, and townhouses having a carport or garage as part of the dwelling unit. No parking space shall be designed to permit backout parking onto a public right-of-way, except a dedicated alley, nor shall parking spaces be located so as to require backing onto or across a sidewalk, pedestrian crosswalk or other area of high pedestrian concentration except for one-family detached and two-family dwellings

1 and townhouses which have an attached carport or garage as part of the
2 townhouse unit. Backout parking shall not be permitted in any case, on
3 Trafficways and non-Trafficway collector roadways.
4

5 (B) *Access for vehicles other than automobiles.* Parking facilities for structures
6 intended for principal uses shall be made accessible to the following type of
7 vehicles:
8

9 (1) Residential uses, other than single family.....
10 Single Unit Truck (SU)
11

12 (2) Commercial Uses . . .
13 Single Unit Truck and semi-trailer (WB-40) combination intermediate
14

15 (3) Industrial Use . . .
16 Single Unit Truck (SU) and semi-trailer - full trailer combination (WB-
17 60)
18

19 Definitions of, and required specifications for, the above vehicle types shall
20 be those found in AASHTO Geometric Highway Design.
21

22 (C) Emergency vehicle access requirements
23

24 (1) When necessary for adequate accessibility for fire protection
25 purposes, emergency access for fire rescue apparatus, equipment
26 and operations shall conform to the requirements of the Florida
27 Building Code and the following additional requirements:
28

29 a. Developments may be required to provide a minimum of two (2)
30 separate and remote emergency access areas or lanes into the
31 internal on-site circulation system of the development.
32

33 b. Fire rescue emergency access roads shall be continuous and
34 extend around the perimeter of the structures.
35

36 c. Where possible, all elevations of a structure shall be accessible
37 for fire rescue emergency use. In all cases, a minimum of two (2)
38 elevations shall be made accessible.
39

40 d. Emergency access areas or lanes, fire access roads, and fire
41 lanes shall have a minimum vertical clearance of sixteen (16) feet
42 and shall have a sign indicating the minimum vertical clearance.
43

- e. Emergency access areas or lanes, fire access roads, and fire lanes shall be maintained free of trees, bushes, or any other obstructions, and clearly designated for this purpose.
- f. In the event physical barriers are permitted by the Fire Marshal's Office to block emergency access areas or lanes, such barriers shall be constructed in such a manner that they will immediately break-away in an emergency situation. The design of break-away barriers or any other physical barriers shall be approved by the Fire Marshal's Office.
- g. Construction standards for emergency access areas or lanes are contained within Sec. 80-210, "Construction standards."

Section 080-180. Onsite and offsite circulation.

(A) *Offsite circulation design.* A parking lot abutting a trafficway shall be designed for full circulation. A parking lot abutting a street other than a trafficway may be designed for partial circulation. Acceptable plans must illustrate that proper consideration has been given to the surrounding street plan, traffic volumes, proposed street improvements, vehicular street capacities, pedestrian movement and safety. Plans for adequate pedestrian movement shall include sidewalks that are accessible by disabled persons connecting the buildings and uses within the plot to existing or planned bus stops, bus bays, and bus shelters; and the roadway sidewalk adjacent to the project, where existing. In addition, where applicable, there shall be sidewalks that are accessible by disabled persons connecting the roadway sidewalk and the interior street system sidewalk or, in the case of multifamily residential or non-residential development, between the roadway aislewalk and doorway entrance(s) to the building(s). Where sidewalks cross streets and driving aisles, proper curb drops and pavement markings delineating the cross walk shall be installed.

(B) *Onsite design requirements.*

- (1) *Functional elements of onsite circulation system.* Car parking stalls, parking aisles, driveways, reservoir areas and entrances are the basic functional elements of the on-site circulation system. Additional elements, including but not being limited to perimeter roads, rear collector roads, service roads within the proposed development, left turning lanes, right turning lanes, traffic lights, and frontage roads in the public right-of-way immediately adjacent to the proposed development may also be required, pursuant to Article 90 and this Article.

- 1
2 (2) Internal site circulation shall follow a functional classification and
3 hierarchical design criteria to assure that the movements between the
4 public right-of-way, which is the high-speed movement facility, and the
5 parking stall, which is the terminal facility, are conducted in an efficient
6 and orderly form. All streams of departing traffic from the parking
7 stalls in a parking lot shall be assembled and delivered to an internal
8 collector facility that combines them into a few concentrated streams
9 which will then be connected to the public right-of-way at a few
10 properly spaced access locations.
11
12 (3) All required parking stalls shall have direct and unobstructed access
13 from a parking aisle.
14
15 (4) No parking stall shall directly abut a driveway.
16
17 (5) All parking aisles shall connect to a driveway
18
19 (6) A parking lot which exceeds sixty (60) parking stalls shall be designed
20 with at least one (1) two-way directional driveway loop system
21 connecting the entrance to the parking stalls and the principal building.
22 Other innovative designs may be approved.
23
24 (7) Any off-street parking facility shall have either driveway approaches of
25 sufficient width to allow for two-(2) way traffic, or one-(1) way
26 driveways connected to aisles, parking areas or maneuvering areas in
27 such a manner as to permit traffic to both enter and leave the
28 property, facing forward, at the same time. A driveway which is only
29 wide enough for one-(1) way traffic shall not be used for two-(2) way
30 access.
31
32

33 **Section 080-190. Minimum separation requirements.**
34

- 35 (A) Nonresidential pedestrian walkways shall be at least ten (10) feet from any
36 building wall which provides less than twenty percent (20%) of clear,
37 unobstructed glass in an imaginary band located between five (5) feet and
38 five feet, six inches (5'6") above the finished floor elevation, and extending
39 the length of the façade along the sidewalk. The intent of this provision is
40 to enhance safety by providing cross-visibility between pedestrians and
41 building occupants.
42
43 (B) Residential and nonresidential driveways, walkways, other pavement/
44 impervious areas and parking aisles shall be at least five (5) feet from any
45 building, structure and property line, provided the Town Administrator may

1 require additional setback as necessary to ensure on-site stormwater
2 drainage.
3
4

5 **Section 080-200. Striping and signage**
6

7 (A) All off-street parking areas shall be so arranged and marked as to provide
8 for orderly safe loading, unloading, parking and storage of vehicles with
9 individual parking stalls clearly defined with directional arrows and traffic
10 signs provided as necessary for traffic control.
11

12 (B) *Parking space designation.* All required off-street parking spaces shall be
13 clearly delineated by four (4) inch wide, white, painted striping wherever
14 Sec. 080-210, "Construction standards," requires a hard-paved or paved
15 parking surface, with the exception of driveway parking spaces for one-
16 family detached and two-family dwellings and townhouse dwellings that
17 have an attached carport or garage as part of the townhouse unit. Parking
18 stalls which abut landscaped areas, sidewalks, structures or property lines
19 shall be designed with bumper guards, wheel stops or contiguous curbing.
20 The required bumper guards and wheel stops shall be located a minimum
21 of two and one-half (2 1/2) feet from any landscaped area, sidewalk and
22 property line. Curbing shall be also located two and one-half (2 1/2) feet
23 from any sidewalk and property line, and if used in lieu of a wheel stop or
24 bumper guard abutting a landscaped area, the two and one-half (2 1/2) foot
25 vehicle overhang area within the landscape area abutting the curb shall not
26 count towards required landscape or pervious area.
27

28 (C) *Identification of parking lots.* All off-street parking areas required by this
29 Article shall be provided with identification as to purpose and location in the
30 form of signage visible to vehicular traffic when such parking areas are not
31 clearly evident from a street or alley. Signage shall comply with the
32 requirements of Article 70, "Signs."
33
34

35 **Section 080-210. Landscaping.**
36

37 Landscaping requirements for vehicular use areas are listed in Sec. 075-070,
38 "Nonresidential perimeter and vehicular use area landscape requirements."
39
40

41 **Section 080-220. Construction standards.**
42

43 (A) *Drainage.* All off-street parking facilities required by this Article shall be
44 drained so as not to cause any nuisances on adjacent or public property
45 and shall be in accordance with the requirements of the appropriate
46 enforcing agency.

1
2 (B) *Composition.* Unless otherwise specifically permitted in SubSec. (C),
3 below, the required off-street parking areas, access aisles and driveways
4 shall be constructed of at least a eight (8) inch course of native limerock,
5 surfaced with asphaltic concrete or portland concrete for driveways and
6 aisles, and six (6) inch for parking stalls. Brick or interlocking pavers may
7 be utilized for one-(1) family and two-(2) family dwellings, and townhouses
8 with attached carports or garages as parking and driveway facilities subject
9 to execution of a restrictive covenant and agreement provided by the
10 Town for use of pavers in the right-of-way. The permitted paving surface
11 shall be maintained in a smooth and well-graded condition. Off-street
12 parking areas shall be designed to ensure safe and efficient traffic
13 circulation. The parking facilities shall be of sufficient size to allow
14 necessary functions for loading, unloading and parking maneuvers to be
15 carried out on private property, and completely off the street right-of-way.
16

17 (C) *Grassed overflow parking.*
18

- 19 (1) Twenty-five percent (25%) of the required off-street parking facilities
20 may be provided through the use of grass parking for the following
21 specific uses:
22 a. Theaters and convention centers
23 b. Schools
24 c. Places of worship; religious facilities
25 d. Hospitals, Category (3) Community Residential Facilities
26
27 (2) Fifty percent (50%) of the required off-street parking facilities may be
28 provided through the use of grass parking for the following specified
29 uses:
30
31 a. Stadiums and sports arenas
32 b. Racetracks, fairgrounds, circus grounds
33 c. Outdoor recreation establishments
34 d. Funeral homes, mortuaries, cemeteries
35 e. Outdoor flea market or swap meet
36
37 (3) Notwithstanding anything to the contrary herein, subject to the Town
38 Council's approval during the site plan review process, up to one
39 hundred percent (100%) of the required off-street parking spaces for
40 any use in the CF and ROS districts may be provided through the use
41 of stabilized grass parking, subject to compliance with the Americans
42 With Disabilities Act requirements, Florida Building Code
43 requirements, and approval of the engineering design by the Town
44 and the Fire Marshal. Parking access aisles, however, shall be paved
45 unless the Town Council waives this requirement in whole or in part
46 based upon the review and the recommendation of the Town Engineer

and the Fire Marshall. In considering whether to increase the allowable percentage of stabilized grass parking and/or to permit stabilized grass parking access aisles, the Town Council shall consider the following as they pertain to:

- a. Anticipated wear and tear;
- b. Ease of navigation;
- c. Delineation of parking spaces and parking access;
- d. The type of use the parking will serve;
- e. The frequency of the use;
- f. The anticipated traffic volume
- g. The types of vehicles that will utilize the facility; and
- h. The impact on the surrounding community.

(4) The Town Council may require the hours and/or days of operation of any CF or ROS district use seeking increased grassed parking area pursuant to (3), above, to be recorded as a covenant running with the land.

(5) Required off-street parking facilities for buildings and uses in agricultural and rural zoning districts may be provided through the use of grass parking.

(6) Grass parking surfaces shall conform to Town specifications, which includes at least an eight (8) inch course of natural limerock, surfaced with a species of grass acceptable for high-traffic use, with six (6) inch course allowed for parking stalls. All requirements for landscaping vehicular use areas shall be met as well as all required interior-landscaping requirements for parking areas. Grass parking areas shall not count toward satisfying any landscaping area required by Article 75, nor the pervious area requirements of each zoning district.

(D) *Curbing.* Except for one-(1) family dwellings, all parking and loading areas shall be constructed with a six (6) inch raised curb, bumper blocks or, adjacent to landscape areas, landscape timbers). All parking islands and landscape strips shall be installed with continuous curbing or landscape timbers to prevent damage to the plant material and the displacement of topsoil and mulch. Curbing and permitted alternatives shall be located along sidewalks, safety islands, driveways, sight distance triangles, and other places as needed unless determined to be unnecessary by a finding of the Town that given the particular circumstances of the site, such curb or alterative can be eliminated in certain areas without creating safety hazards. The raised curb shall be constructed in such a manner as to prevent vehicles from crossing sidewalks or other pedestrian walkways, other than by means of an approved driveway approach.

1 (E) *Emergency access areas or lanes construction standards.*

2
3 (1) Emergency access areas or lanes, fire access roads, or fire lanes
4 shall be designed to accommodate fire apparatus weighing a
5 minimum of thirty-two (32) tons and shall be surfaced with solid
6 pavement, or natural or concrete stones, or grass turf reinforced by
7 concrete grids, or stabilized subgrade covered with eight (8) inches of
8 limerock and covered with grass turf. Fire rescue apparatus shall be
9 considered, at a minimum, as a WB-40 as defined by the AASHTO
10 Geometric Highway design.

11
12 (2) When emergency access areas or lanes are designed to enhance
13 "green areas," by not using solid pavement, the areas or lanes shall
14 be clearly designated and properly marked.

15
16 (3) With the exception of one (1) story single-family dwellings, buildings
17 and structures that do not have adequate accessibility for fire
18 protection purposes shall provide laddering areas designated for fire
19 rescue emergency use conforming to the following, as required by the
20 Florida Building Code, and the following additional requirements:

21
22 a. Surface construction of laddering areas shall be capable of
23 meeting the needs of vehicles considered as WB-40 as defined
24 by the AASHTO Geometric Highway Design.

25
26 b. Laddering areas shall be constructed with no vertical
27 obstructions.

28
29 c. Laddering areas shall be clearly designated and properly
30 marked as specified by the Fire Marshal's Office.

31
32 d. Laddering area surfaces shall be a minimum of fifteen (15) feet
33 in width or as determined by the Fire Marshal.

34
35 (F) *Storage lots for vehicles, boats and equipment.* All open-air storage lots
36 for vehicles, boats or trucks located in a commercial zoning district shall be
37 surfaced with asphalt or concrete. All open air storage lots for commercial
38 vehicles, heavy equipment or other motor-driven equipment in an industrial
39 zoning district may be on a non-paved surface, provided same is
40 compacted, stabilized and dust-free.

ARTICLE 85. SITE DEVELOPMENT STANDARDS.

Section 085-010. Pervious areas and ecological communities.

- (A) Minimum pervious area requirements are set forth for each zoning district within the Town under the district regulations of Articles 45 through 65. The provisions of this Section apply to all zoning districts.
- (B) Pervious areas may be used to satisfy requirements for landscaping and setbacks, buffer strips, drainfields, passive recreation areas, or any other purpose that does not require covering with a material that prevents infiltration of water into the ground.
- (C) In the case of the use of an impervious material that does not cover the entire surface to which it is applied, credit towards the computation of the pervious area shall be given according to the percentage of pervious area that is retained.
 - (1) In cases where the ULDC allows some required parking stalls to be grassed, no credit towards the computation of pervious area shall be granted for such areas.
 - (2) Upon demonstration by the applicant that special conditions peculiar to the location or physical characteristics of a particular site are present, or special conditions resulting from the design of existing facilities or surrounding land uses are present, the Town Administrator may permit variation from the impervious area standards, subject to the following limitations:
 - a. Variation from the stated requirements shall be proportional to mitigating design improvements provided in excess of the minimum required engineering and landscaping standards. The minimum required pervious area of a plot shall not be reduced by more than ten percent (10%) of plot area, except for property zoned M District, for which required pervious area is based upon stormwater drainage considerations as provided in Sec. 055-060, "Plot coverage and pervious area."
 - b. Mitigating design improvements may include the use of curvilinear berms to aid in screening; increased vegetation size and quantity, native species utilization, and preservation of existing significant vegetation to increase the quality of greenspace areas; the use of interlocking paving blocks along pedestrian walkways; and grassed retention/detention basins and swales to aid in the filtration of storm water runoff.

1 (D) Each proposed development shall include provisions for the application of
2 best management practices to enhance retention/detention areas such as
3 grass ponds, grass swales, french drains, or combinations thereof, and
4 shall meet all requirements of the applicable 208 Areawide Wastewater
5 Treatment Management Plan.
6

7 (E) *Ecological communities.* Where one or more of the nine (9) ecological
8 communities listed in Appendix 17-1 of the Broward County Land Use Plan
9 are present within a proposed development, (except in jurisdictional
10 wetlands as determined by the Broward County Department of Planning
11 and Environmental Protection), a minimum of fifty percent (50%) of the
12 pervious area required by this Subsection shall consist of these ecological
13 communities in preservation areas.
14

15
16 **Section 085-020. Natural resource areas.**
17

18 If a proposed development includes all or any part of any lands identified by the
19 Town or Broward County as a natural resource area, or any lands for which a
20 notice of public hearing for designation as a natural resource area has been
21 given, the proposed development shall incorporate the natural resource area in
22 such a fashion as to significantly conserve the integrity of the area as
23 appropriate to the affected resource in accordance with the requirements
24 contained within the ULDC and applicable provisions of the Broward County
25 Land Development Code.
26

27
28 **Section 085-030. Site distance triangle.**
29

30 (A) Within the triangular areas described in paragraph (C), below, it shall not
31 be permissible to install, set out or maintain, or to allow the installation,
32 setting out or maintenance of, either temporarily or permanently, any
33 vehicular parking space, sign, wall, hedge, shrubbery, tree, earth mound,
34 natural growth or other obstruction of any kind which obstructs cross-
35 visibility at a level between thirty (30) inches and eight (8) feet above the
36 level of the center of the adjacent intersection except as provided in
37 paragraph (B), below. Any wall or fence within the sight triangle must be
38 constructed in such a manner as to provide adequate cross-visibility over or
39 through the structure between thirty (30) inches and eight (8) feet in height
40 above the driving surface.
41

42 (B) The following will be permitted within the triangular areas described below:
43

- 44 (1) Trees having limbs and foliage trimmed in such a manner that no
45 limbs or foliage extend into the area between thirty (30) inches and
46 eight (8) feet above the level of the center of the adjacent intersection.

1 Trees must be so located so as not to create a traffic hazard.
2 Landscaping except required grass or ground cover shall not be
3 located closer than five (5) feet from the edge of any roadway
4 pavement unless in conflict with FDOT clearance criteria which shall
5 prevail, and three (3) feet from the edge of any alley or driveway
6 pavement.
7

- 8 (2) Fire hydrants, public utility poles, street markers and traffic control
9 devices.
10

11 (C) The triangular areas referred to are:
12

- 13 (1) *Cross-visibility requirements at the intersection of driveways and*
14 *street lines.* Where a driveway intersects a street, the triangular area
15 of property on both sides of a driveway formed by the intersection of
16 each side of the driveway and the ultimate street line, with two (2)
17 sides of each triangle being ten (10) feet in length from the point of
18 intersection and the third side being a line connecting the ends of the
19 two other sides. The Town Engineer may waive this requirement
20 where not necessary to ensure adequate cross-visibility, such as for
21 driveways that cross canals.
22
- 23 (2) *Cross-visibility requirements at pedestrian crosswalks and other areas*
24 *of pedestrian concentration.* Where a crosswalk intersects a vehicular
25 access aisle, driveway or an ultimate right-of-way or street line, the
26 triangular area of property on both sides of a crosswalk or walkway
27 formed by the intersection of each side of the walkway and the
28 ultimate street line or aisle with two sides of each triangle being ten
29 (10) feet in length from the point of intersection and the third side
30 being a line connecting the ends of the two sides.
31
- 32 (3) *Cross-visibility requirements at the intersection of two streets.* Where
33 two (2) streets intersect, the triangular area of property on all sides of
34 the intersection, formed by the intersection of two (2) or more private
35 or public roads with two (2) sides of the triangle area being twenty-five
36 (25) feet in length along the abutting street lines, measured from their
37 point of intersection, and the third side being a line connecting the
38 ends of the other two sides.
39
- 40 (4) *Setback required.* Any fence or hedge which will cause a sight
41 visibility obstruction within one hundred (100) feet of a driveway or
42 cross street, which is to be installed along a nontrafficway collector
43 street shall be set back a minimum of five (5) feet from the ultimate
44 street line of the collector.
45
46

1 **Section 085-040. Lands designated as archaeologically significant.**

2
3 If the proposed site plan includes any land designated as an archeological site in
4 the Broward County Land Use Plan or in the Florida Site File, or designated as
5 an Archaeological Cultural Resource Site, then site plan approval shall include
6 requirements for management of the archaeological site. Those requirements
7 shall be based upon an archaeological report prepared by a professional
8 archaeologist and submitted by the applicant prior to final site plan application.
9 The report shall include a brief history of the area, the field survey methods, the
10 results of the field survey, an assessment of the archaeological significance and
11 a proposed plan for management. The requirements for management shall be
12 approved by the Town Administrator after consultation with DPEP and any other
13 agencies deemed appropriate. It shall be the purpose of the management plan
14 to provide for protection and preservation of the site to the extent feasible and to
15 allow salvage excavation only where other methods of preservation would not
16 permit reasonable development of the site. The decision of the Town
17 Administrator may be appealed to the Town Council which may uphold the
18 decision of the Administrator or impose alternate requirements for site
19 management.
20

21
22 **Section 085-050. Consideration of impact on wetlands.**

23
24 The Town Administrator may require an applicant for site plan, building permit,
25 clearing permit or filling permit approval to obtain a wetlands determination from
26 the DPEP in cases where the Department has not previously made such a
27 determination.
28

29 **ARTICLE 90. SUBDIVISION DESIGN AND ACCESS STANDARDS.**

30
31
32 **Section 090-010. Arrangement of streets, generally.**

- 33
34 (A) The pattern of streets in new subdivisions shall provide for the continuation
35 of existing streets properly aligned from adjoining areas, or for their proper
36 projection where adjoining land is not subdivided. Where street extensions
37 into adjacent undeveloped land are necessary to ensure a coordinated
38 street system, provisions for such future street or streets shall be made.
39
40 (B) The arrangement of streets in new subdivisions or developments shall
41 facilitate and coordinate with the desirable future platting of adjoining
42 unplatted property of a similar character, and provide for local circulation
43 and convenient access to neighborhood facilities.
44

- 1 (C) Local residential streets shall be arranged so as to discourage their use by
2 through traffic. Residential streets shall not connect with industrial areas
3 except in cases where it is unavoidable.
4
- 5 (D) If lots resulting from an original subdivision are large enough to permit
6 resubdivision, or if a portion of the tract is not subdivided or developed,
7 adequate street right-of-way to permit future subdivision development shall
8 be provided as necessary.
9
- 10 (E) Where development borders on or contains a right-of-way for a railroad,
11 expressway, drainage canal or waterway, a street may be required
12 approximately parallel to and on each side of such right-of-way, at a
13 distance suitable for the appropriate use of the intervening land and in
14 compliance with all provisions of this Section.
15
- 16 (F) Reserve strips controlling access to streets shall be prohibited.
17
- 18 (G) New half or partial streets shall not be permitted unless the half or partial
19 street constitutes adequate public access to the development as
20 determined by the Town Engineer. Whenever a tract borders on an existing
21 half or partial street the other part of the street shall be dedicated within
22 such tract.
23

24 **Section 090-020. Residential collector streets, generally.**
25

- 26 (A) The residential collector street serves as the principal circulation facility
27 within the residential neighborhood unit. Its function is to collect traffic from
28 the interior and deliver it to the closest perimeter intra-neighborhood
29 transportation between the residential units and the local centers of
30 attraction such as neighborhood shopping centers, schools, and
31 neighborhood parks.
32
- 33 (B) Collectors shall penetrate residential development without forming a
34 continuous network, thus discouraging through traffic. When discontinuity
35 of local collectors is obtained by offsetting the intersections with the
36 arterials or other collector streets, such offsetting shall comply with the
37 requirements of the Broward County Land Development Code, Subsec. 5-
38 195(b)(3)a), as may be amended from time to time, regulating the spacing
39 of street intersections with trafficways.
40
41

42 **Section 090-030. Local residential streets, generally.**
43

44 The primary function of the local street is to provide the access of vehicles to
45 single family residential development fronting on the street. Local streets shall

1 provide access to low density residential development and connect local traffic
2 from private driveways to collector streets.

3
4 **Section 090-040. Right-of-way required.**

5
6 An applicant will be required to dedicate right-of-way in addition to the right-of-
7 way requirements of Tables 90-2 through 90-5 of Sec. 90-100, "Roadway
8 capacity, construction and design standards," in the following situations:

- 9
10 (A) If proposed access from the development to an existing dedicated and
11 accepted street does not meet the total right-of-way requirement for a
12 complete road;
13
14 (B) If a development has a greater impact on an existing road than that for
15 which the roadway width had previously been designed.
16
17 (C) If a development abuts or contains an existing street of inadequate right-of-
18 way width.

19
20
21 **Section 090-050. Alleys.**

- 22
23 (A) Alleys may be provided to serve residential, business, commercial and
24 industrial areas and shall be a minimum of thirty (30) feet in width.
25
26 (B) Changes in direction of the alignment of an alley shall be made on a
27 centerline radius of not less than fifty (50) feet.
28
29 (C) Dead-end alleys shall be prohibited where possible, but if unavoidable,
30 shall be provided with adequate turnaround and facilities for service trucks
31 at the dead-end, with a minimum external diameter of one hundred (100)
32 feet of right-of-way, or consistent with an alternate design shown in Figure
33 90-1 as determined to be adequate by the Town Engineer and the Fire
34 Marshal for the specific circumstances.
35
36 (D) At intersections with streets or other alleys, a corner chord right-of-way
37 based on not less than a twenty (20) foot radius shall be provided by
38 dedication or, if acceptable to the Town Engineer, by grant of easement.
39

1
2 **Section 090-060. Blocks.**
3

4 (A) The length, width and shape of blocks shall be determined with due regard
5 to:

6
7 (1) Provision of adequate building sites, suitable for the needs of the use
8 contemplated.

9
10 (2) Zoning requirements as to the plot sizes and dimensions.

11
12 (3) Need for convenient and safe access, circulation and control of
13 pedestrian and vehicular traffic.

14
15 (4) Limitations and opportunities of topographic features.
16

17 (B) Block lengths shall not exceed one thousand three hundred twenty (1,320)
18 feet nor be less than five hundred (500) feet, unless found unavoidable by
19 the Town Engineer. Where deviation from the grid pattern requirement of
20 this provision is requested, alternative designs will be permitted if approved
21 by the Town Engineer upon a finding that substantially equivalent
22 protection of the public safety can be achieved without adhering to the grid
23 pattern requirement.
24

25 (C) Pedestrian crosswalks, of not less than ten (10) feet in width, may be
26 required in blocks if necessary to provide safe and convenient access to
27 schools, playgrounds, shopping centers, transportation or other community
28 facilities.
29
30

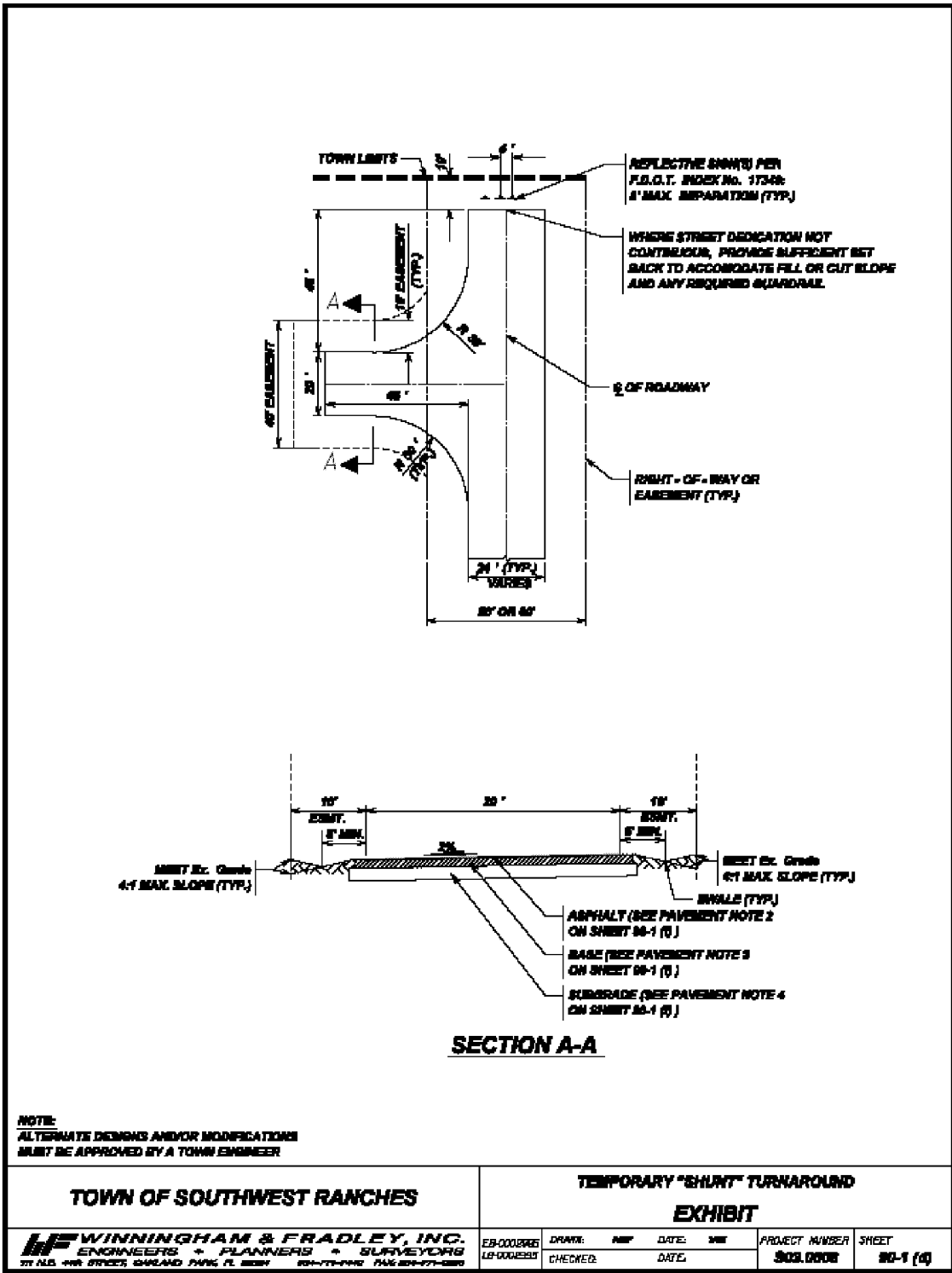
31 **Section 090-070. Lots, generally.**
32

33 (A) The lot arrangement and design shall be such that all lots will provide
34 satisfactory and desirable building sites, properly related to topography and
35 to the character of the area.
36

37 (B) Lot dimensions and areas shall not be less than those specified by the
38 applicable zoning regulations.
39

1
2

Figure 90-1(A). Temporary "Shunt" Turnaround.

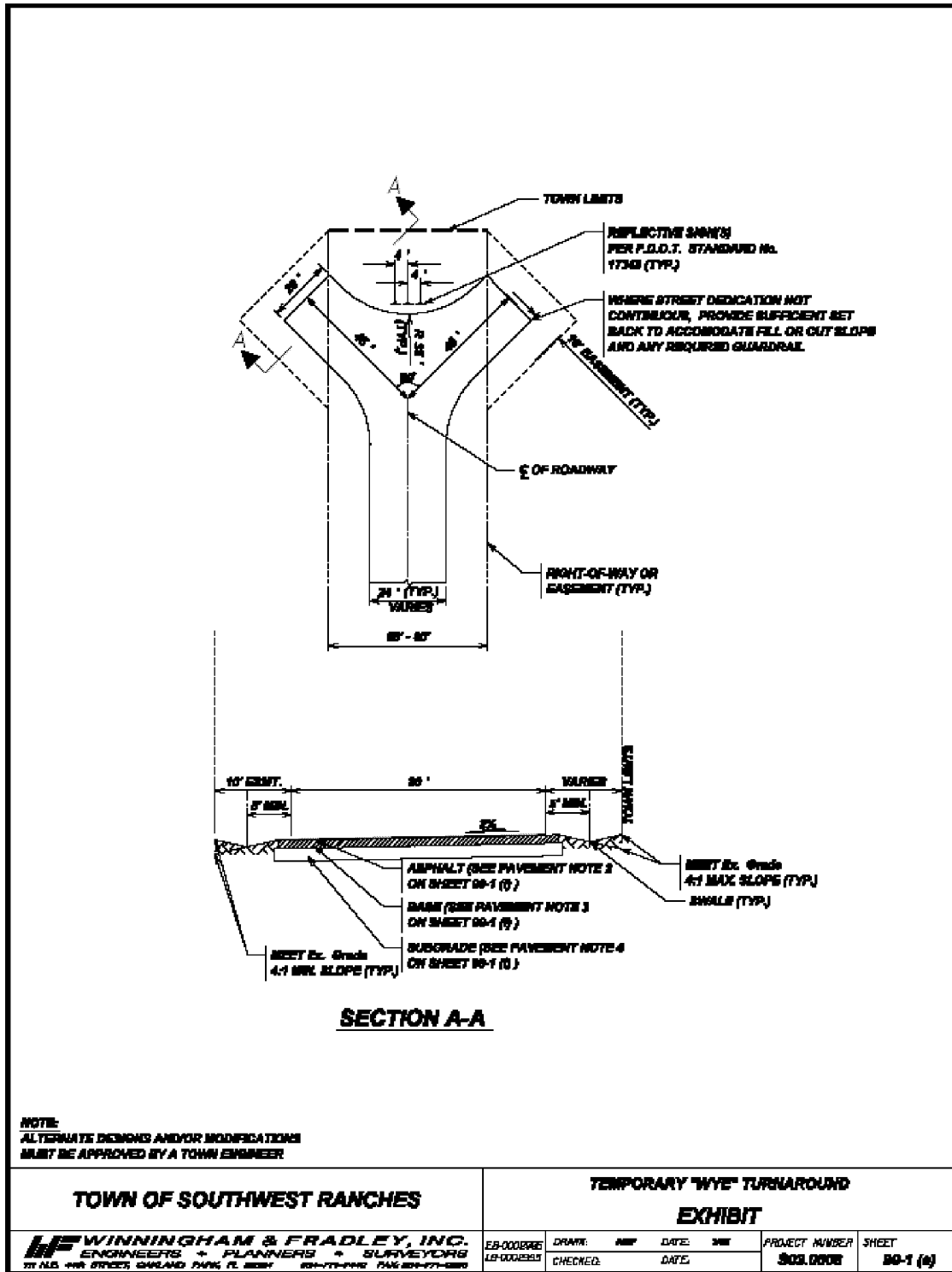


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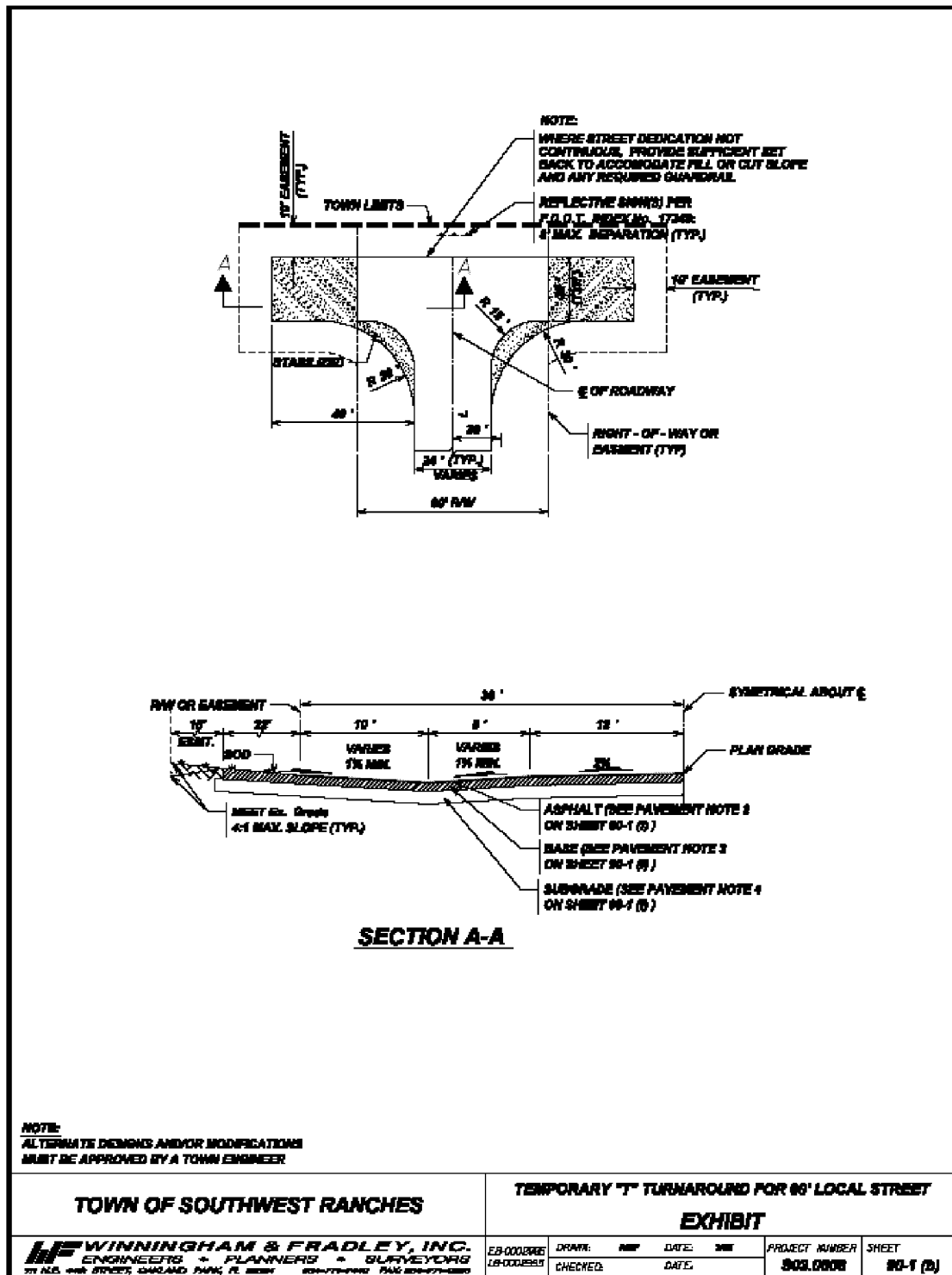
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Figure 90-1(B). Temporary "Wye" Turnaround.



3

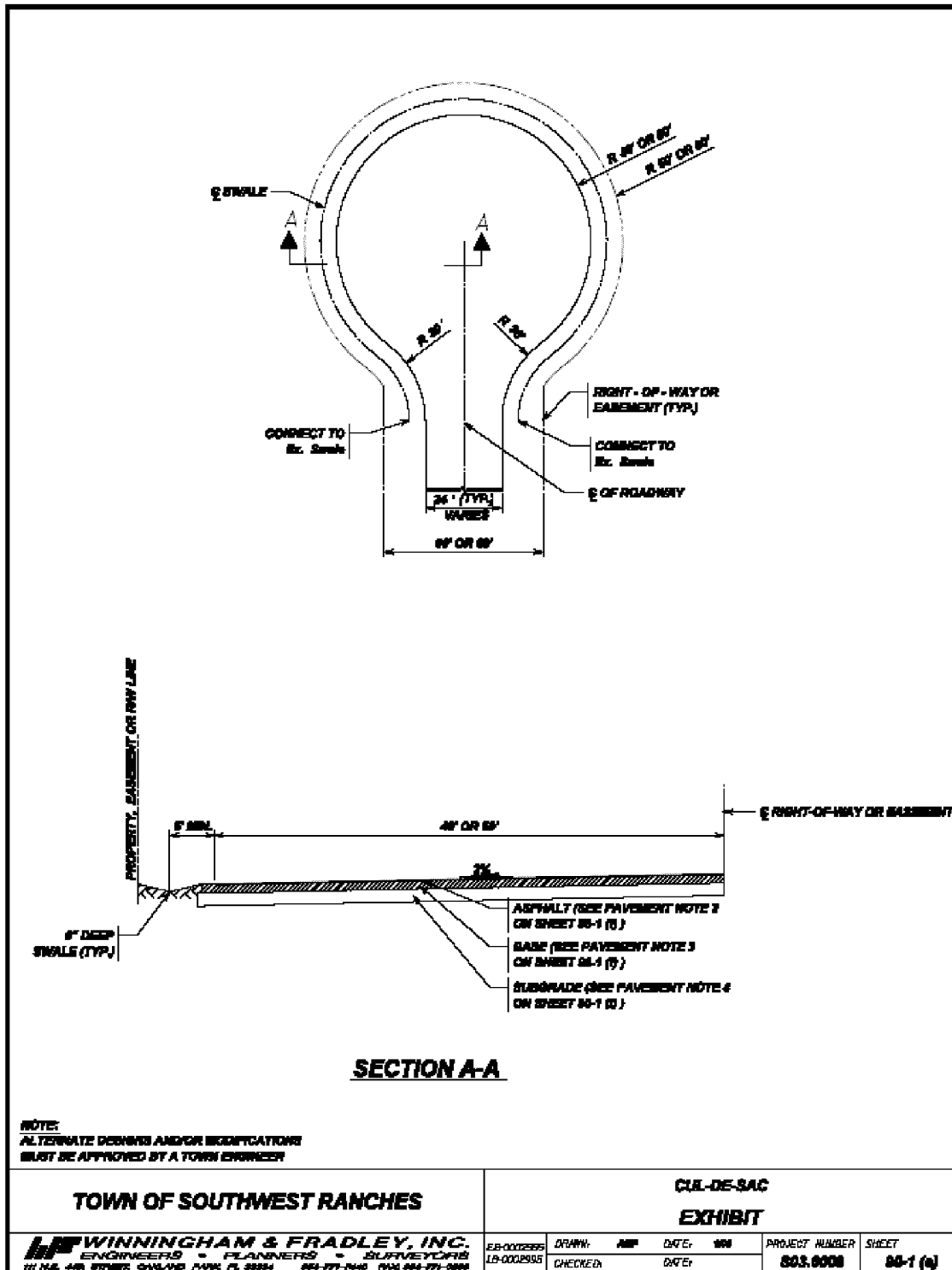
Figure 90-1(D). Temporary “T” Turnaround for 60-Foot Right-of-Way.



1

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Figure 90-1(E). Cul-de-sac.



3

1 Figure 90-1(G). Temporary Turnaround Details Notes.

PAVEMENT NOTES (LOCAL ROAD):			
1. ALL CONSTRUCTION SHALL MEET THE REQUIREMENTS OF THE TOWN OF SOUTHWEST RANCHES AND THE BROWARD COUNTY DEVELOPMENT CODE IF NOT SPECIFICALLY SPECIFIED ON THIS EXHIBIT.			
2. WHERE SHOWN THE WEARING SURFACE SHALL BE 1 1/4" OF TYPE S-3 ASPHALTIC CONCRETE OF THE THICKNESS SHOWN OVER PRIME COAT AND SAND SEAL OR OTHER SURFACE APPROVED BY THE TOWN.			
3. THE BASE COURSE SHALL BE A MINIMUM OF 8" THICK LIME ROCK (98% CALCIUM), AND SHALL BE COMPACTED TO A DENSITY OF NO LESS THAN 98% OF MAXIMUM DRY DENSITY AS DETERMINED BY A.A.S.H.T.O. SPECIFICATION T-99. THE BASE SHALL HAVE A MINIMUM L.B.R. VALUE OF 100.			
4. ALL ORGANIC AND YIELDING MATERIAL WITHIN THE LIMITS SHOWN SHALL BE REMOVED AND REPLACED WITH CLEAN FILL. THE SUB-BASE SHALL EXTEND 12" BELOW THE BASE COURSE, SHALL HAVE A MINIMUM LBR OF 40 AND SHALL BE COMPACTED TO 100% OF MAXIMUM DRY DENSITY AS PER A.A.S.H.T.O. T-99-C.			
5. SHOULDER SHALL BE STABILIZED TO AN L.B.R. VALUE OF AT LEAST 40. THE MINIMUM DEPTH OF THE STABILIZED SHOULDER SHALL BE 6". ALL SHOULDERS SHALL BE COMPACTED TO 98% OF MAXIMUM DRY DENSITY AS DETERMINED BY A.A.S.H.T.O. T-99-C.			
6. MINIMUM ROAD CROWN ELEVATION SHALL BE AS PER BROWARD COUNTY OR LOCAL DRAINAGE DISTRICT CRITERIA.			
PAVEMENT NOTES (COLLECTOR ROAD):			
1. ALL CONSTRUCTION SHALL MEET THE REQUIREMENTS OF THE TOWN OF SOUTHWEST RANCHES AND THE BROWARD COUNTY DEVELOPMENT CODE IF NOT SPECIFICALLY SPECIFIED ON THIS EXHIBIT.			
2. THE WEARING SURFACE SHALL BE INSTALLED IN TWO LIFTS. THE FIRST LIFT SHALL BE 1 1/4" OF TYPE S-4 ASPHALTIC CONCRETE OVER PRIME COAT AND SAND SEAL. THE SECOND LIFT SHALL BE 3/4" OF TYPE S-3 ASPHALTIC CONCRETE. (APPLY TACK COAT BETWEEN LIFTS.)			
3. THE BASE COURSE SHALL BE 12" THICK LIME ROCK (98% CALCIUM), AND SHALL BE COMPACTED TO A DENSITY OF NO LESS THAN 98% OF MAXIMUM DRY DENSITY AS DETERMINED BY A.A.S.H.T.O. SPECIFICATION T-99. THE BASE SHALL HAVE A MINIMUM L.B.R. VALUE OF 100.			
4. ALL ORGANIC AND YIELDING MATERIAL WITHIN THE LIMITS SHOWN SHALL BE REMOVED AND REPLACED WITH CLEAN FILL. THE SUB-BASE SHALL EXTEND 12" BELOW THE BASE COURSE, SHALL HAVE A MINIMUM LBR OF 40 AND SHALL BE COMPACTED TO 100% OF MAXIMUM DRY DENSITY AS PER A.A.S.H.T.O. T-99-C.			
5. SHOULDER SHALL BE STABILIZED TO AN L.B.R. VALUE OF AT LEAST 40. THE MINIMUM DEPTH OF THE STABILIZED SHOULDER SHALL BE 6". ALL SHOULDERS SHALL BE COMPACTED TO 98% OF MAXIMUM DRY DENSITY AS DETERMINED BY A.A.S.H.T.O. T-99-C.			
6. MINIMUM ROAD CROWN ELEVATION SHALL BE AS PER BROWARD COUNTY OR LOCAL DRAINAGE DISTRICT CRITERIA.			
SHALE NOTES:			
1. BOTTOM OF SHALES, MEASURED FROM TOP OF TURF, SHALL BE AT LEAST SIX INCHES (6") BELOW THE EDGE OF ROAD PAVEMENT. SHALES SHALL BE COMPACTED TO 98% OF MAXIMUM DENSITY, PER A.A.S.H.T.O. T-99-C, AND SLOPED, BULGED, OR SOLOID.			
2. REFER TO TOWN'S MASTER TERTIARY DRAINAGE EXHIBIT FOR ADDITIONAL INFORMATION.			
NOTES:			
1. INSTALL PROPER DEAD-END SIGNAGE ON EXISTING ROADWAY.			
2. ROADWAY CLOSURES SHALL BE COORDINATED WITH ADJACENT MUNICIPALITY.			
3. SUBJECT TO FIRE DEPARTMENT APPROVAL.			
4. SUBJECT TO TRAFFIC STUDY.			
5. ALTERNATE DESIGN AND/OR MODIFICATIONS MUST BE APPROVED BY A TOWN ENGINEER.			
TOWN OF SOUTHWEST RANCHES		ROADWAY TURNAROUND GENERAL NOTES	
WINNINGHAM & FRADLEY, INC. ENGINEERS + PLANNERS + SURVEYORS <small>771 N.E. 14th STREET, OAKLAND PARK, FL 33411 (954) 341-1111 FAX (954) 341-1111</small>		EB-00000000 LB-00000000 CHECKED: _____ DATE: _____	DRAWN: _____ DATE: _____ PROJECT NUMBER: 903.0000 SHEET: 90-1 (G)

2
3

- 1
2 (C) Side lot lines shall be substantially at right angles or radial to street lines.
3
4 (D) The minimum arc frontage for lots abutting the turnaround of a cul-de-sac
5 shall be twenty-five (25) feet for residential uses and sixty (60) feet for uses
6 other than residential.
7
8 (E) The frontage of a plot along an arterial shall comply with Sec. 090-080,
9 "Access to development."

10
11 **Section 090-080. Access to development.**
12

- 13 (A) *Access to trafficway corridors* shall be designed pursuant to the Broward
14 County Land Development Code provisions regulating same. All access to
15 a trafficway and all driveways and streets within a trafficway corridor shall
16 be approved by both the Broward County Engineering and Traffic
17 Engineering Division, and Town Engineer.
18
19 (B) *Access to development adjacent to arterial and collector roadways* shall
20 comply with the following requirements, as applicable.
21
22 (1) The frontage of a plot along an arterial shall be not less than two
23 hundred (200) feet unless one of the following conditions is met:
24
25 a. Access to the plot is limited to streets other than the arterial;
26 provided, however, that community facility, commercial and
27 industrial developments other than public safety facilities, shall not
28 be given access on local residential streets, and agricultural uses
29 shall not be given access on local residential streets, provided
30 other access is available.
31
32 b. Access to the plot is provided jointly with other plots created as
33 part of the same development or another development such that
34 minimum driveway spacing and corner clearance requirements
35 are satisfied by the combination of plots served by the existing or
36 relocated joint access driveway.
37
38 c. Access to the plot is to be provided from a frontage road
39 paralleling the arterial which has been planned and officially
40 approved by the Town and right-of-way dedication therefore has
41 been provided.
42
43 (2) No new single family residential plot which is under one (1) net acre in
44 size or has less than two hundred (200) feet of frontage shall have
45 access to an arterial or collector street unless access is shared with
46 an adjoining property with frontage on the arterial or collector. Such

plots shall otherwise access a frontage road or adjoining local street. Frontage roads outside the required public right-of-way may be provided by easements.

(3) When the back of residential plots abut a collector or arterial street, a nonvehicular access line shall be provided along the collector or arterial street.

(4) Whenever possible, single family residential plots smaller than one (1) acre shall have no direct access to four (4) lane collector streets. If the sides of such adjoining residential plots abut the collector street, with the house and driveway facing the local street, the spacing between intersections shall be not less than two hundred fifty (250) feet, and a nonvehicular access line shall be provided along the collector street.

(C) Every plot shall front on and access a publicly dedicated street, except as follows:

(1) *Private streets.* A developer may retain as private a local street nontrafficway street if the following conditions are met:

a. Public right-of-way is not required in order to serve adjacent development that is existing or projected on the Town Future Land Use Plan Map;

b. A permanent access easement is granted for service and emergency vehicles and for maintenance of public and semi-public utilities;

c. A reciprocal easement for ingress and egress is granted all residents of the development; and

d. Private local streets shall comply with all applicable construction standards contained in the "Minimum Construction Standards Applicable to Public Rights-of-Way Under Broward County Jurisdiction," adopted by Resolution No. 85-3606, set out in the Broward County Administrative Code. Existing private local streets are subject to the construction standards of Subsec. (3)a., below. Curbing of private streets is prohibited unless determined necessary by the Town Engineer in specific instances to protect the public safety, where other, less objectionable methods consistent with Policy II-A1.5 of the Town's Land Use Plan are not available. Policy II-A1.5 seeks to maintain the Town's semi-rural lifestyle.

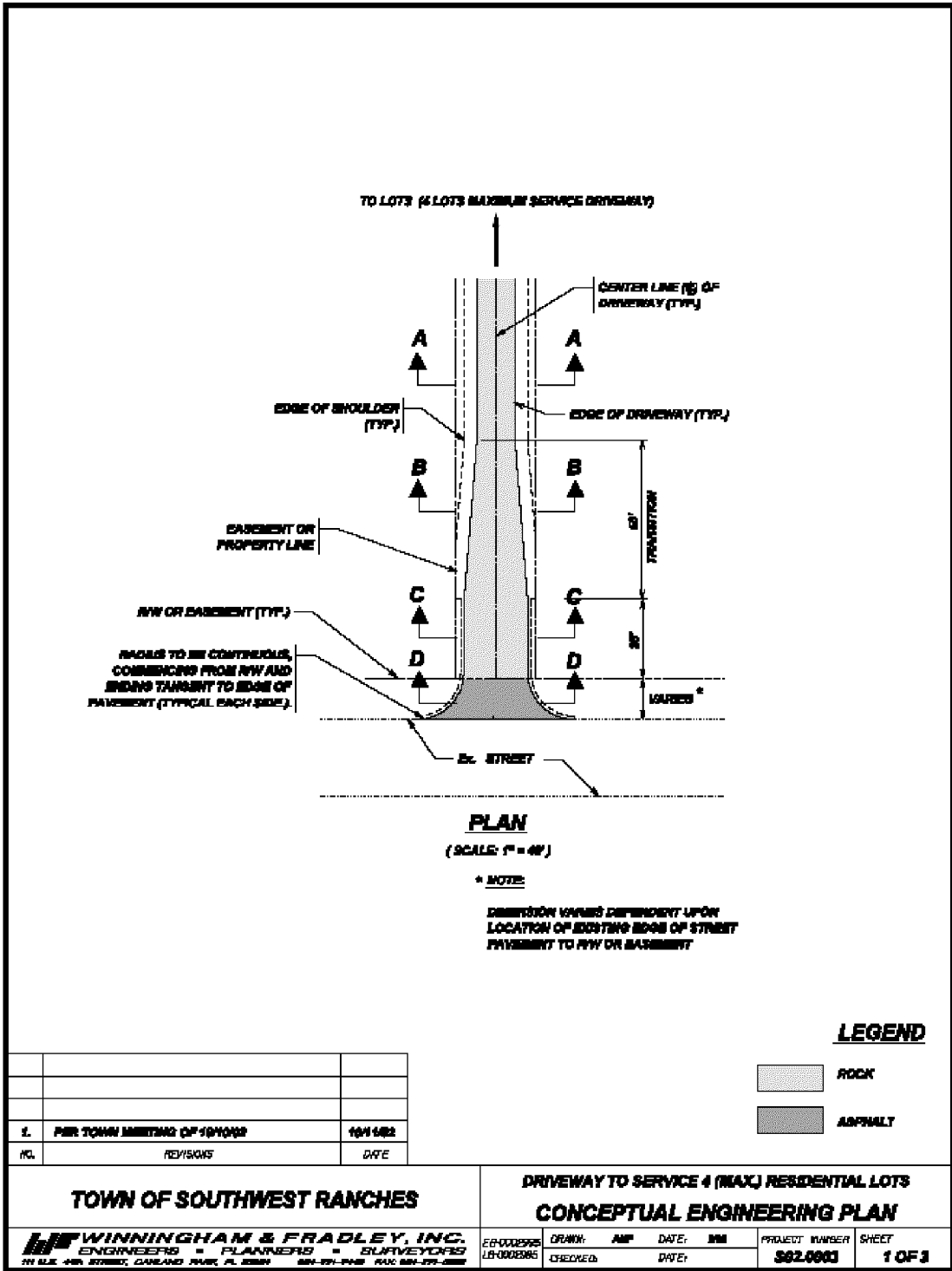
- 1 (2) A plot without direct frontage on a public or private street may be
2 created if the following conditions are met:
3
- 4 a. *Individual access to a landlocked parcel.* One (1) landlocked lot
5 or parcel may be served by an ingress/egress easement at least
6 fifteen (15) feet wide, with a ten (10) foot-wide travel surface
7 connecting the landlocked lot or parcel to a public or private
8 street through an intervening lot or parcel. The easement shall
9 provide for access by emergency vehicles and government
10 officials, employees or contractual service providers during the
11 course of their official duties. Geometry shall be approved by the
12 Town Engineer, Fire Department and other applicable service
13 providers; or,
14
- 15 b. *Shared access to multiple landlocked parcels.* Up to four (4) lots
16 or parcels may be served by an ingress/egress easement at least
17 twenty-five (25) feet wide, providing access for emergency
18 vehicles and government officials, employees or contractual
19 service providers during the course of their official duties, and
20 providing a travel surface, pull-off shoulders and traffic markings
21 as depicted by Figure 90-2, below.
22
- 23 (3) Both individual and shared access to landlocked parcels must meet
24 the following conditions:
25
- 26 a. The base course and wearing surface materials and
27 specifications shall be as specified in the Figure 90-1, below, or
28 alternate surface approved by the Town Engineer, including but
29 not limited to reinforced stabilized limerock with a base course of
30 a minimum of eight (8) inches thick limerock (sixty percent [60%]
31 calcium), and shall be compacted to a density of no less than
32 ninety-eight percent (98%) of maximum dry density as
33 determined by the American Association of State Highway and
34 Transportation Officials (AASHTO) specification T-180, or as may
35 be amended from time to time. The base shall have a minimum
36 limerock bearing ratio (L.B.R.) value of one hundred (100) and
37 the sub-base shall have a minimum L.B.R. of 40; and,
38
- 39 b. The Town shall determine the actual width of the easement after
40 review and approval by applicable utilities and governmental
41 agencies requiring permit, and subject to drainage agreements,
42 and/or other miscellaneous agreements approved by the Town
43 Attorney; and,
44
- 45 c. The developer and property owner shall enter into, and shall
46 record in the Public Records of Broward County, Florida, a

1 Declaration of Restrictive Covenants for Private Roadways and
2 Access in a form approved by the Town Attorney, which shall, in
3 part, indemnify and hold harmless the Town and its agents for
4 the construction of an access easement, which is less than the
5 access easement set forth in the "Minimum Construction
6 Standards Applicable to Public Rights-of-Way Under Broward
7 County Jurisdiction," adopted by Broward County Resolution No.
8 85-3606, set out in the Broward County Administrative Code, and
9 adopted by reference by the Town of Southwest Ranches; and
10

- 11 d. For shared access, all property owners utilizing the shared
12 access easement shall enter into an agreement defining the
13 rights and responsibilities of the parties in regards to the
14 maintenance of the access easement and shall record such
15 agreement in the Public Records of Broward County, Florida;
16 and,
17
- 18 e. The permissibility of driveways pursuant to this Subsection is
19 conditioned upon no further subdivision being possible that would
20 require dedication and construction of a public or private street in
21 lieu of a driveway under this Subsection; and,
22
- 23 f. The address of all properties without direct street frontage shall
24 be displayed at the street entrance of the driveway and again at
25 the entrance to each property from the driveway; and,
26
- 27 g. The maximum length of a driveway under this Subsection shall
28 be one-quarter mile (1,320 feet); and,
29
- 30 h. No plantings or other obstructions shall be permitted within the
31 ingress/egress easement or within the site distance triangle
32 pursuant to Sec. 085-030, "Site distance triangle"; and,
33
- 34 i. A turn-around acceptable to the Town Engineer and/or Fire
35 Marshal shall be provided at the end of the shared driveway,
36 consistent with one of the details shown in Figure 90-1.

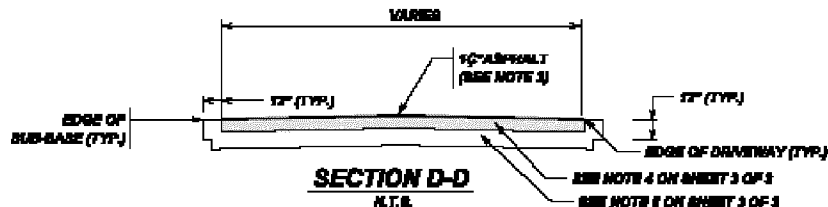
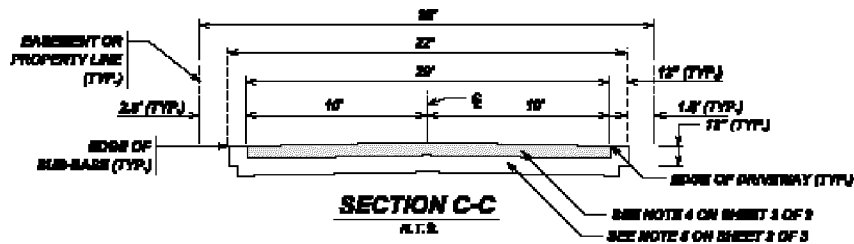
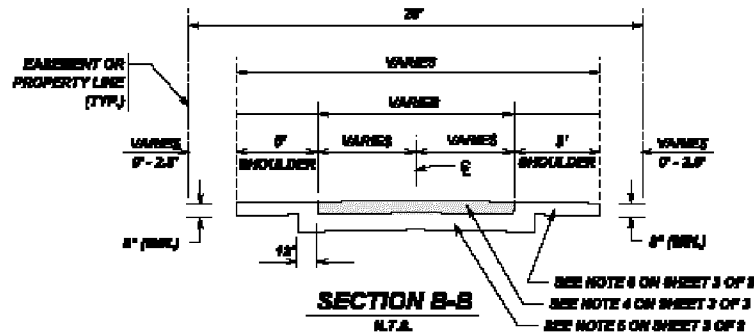
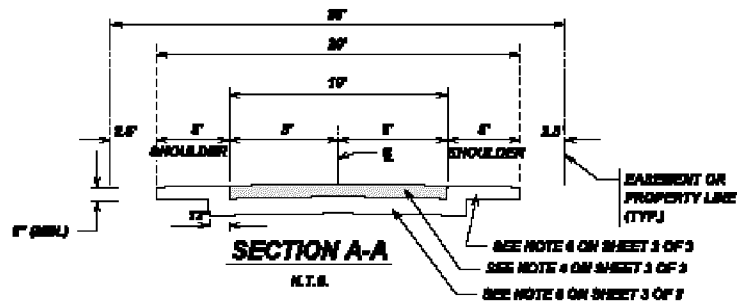
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Figure 90-2 . Shared driveway design and construction standards



3

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1.	PER TOWN MEETING OF 10/16/02	10/16/02
NO.	REVISIONS	DATE

TOWN OF SOUTHWEST RANCHES

**DRIVEWAY TO SERVICE 4 (MAX) RESIDENTIAL LOTS
CONCEPTUAL ENGINEERING SECTIONS**

WINNINGHAM & FRADLEY, INC.
ENGINEERS • PLANNERS • SURVEYORS
101 N.E. 4th STREET, OAKLAND PARK, FL 33304 954-991-9400 FAX 954-991-0888

ES-00000005
LB-00000005

DRAWN: AMP DATE: 10/16/02
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PROJECT NUMBER
302.0000


SHEET
2 OF 3

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NOTES:

1. ALL CONSTRUCTION SHALL MEET THE REQUIREMENTS OF THE TOWN OF SOUTHWEST RANCHES AND THE BROWARD COUNTY DEVELOPMENT CODE IF NOT SPECIFICALLY SPECIFIED ON THIS SHEET.
2. FOR ADDITIONAL CRITERIA AND DESIGN ELEMENTS, REFER TO SHEET 1 OF 1, "ENGINEERING DETAIL, DRIVEWAY AND SHALE EXHIBIT FOR RESIDENTIAL LOTS", PREPARED BY WINNINGHAM & FRADLEY, INC., LATEST REVISION.
3. WHERE SHOWN THE WEARING SURFACE SHALL BE TYPE B-3 ASPHALTIC CONCRETE OF THE THICKNESS SHOWN OVER PRIME COAT AND SAND SEAL OR OTHER SURFACE APPROVED BY THE TOWN.
4. THE BASE COURSE SHALL BE A MINIMUM OF 1" THICK LIMESTOCK (80% CALCEOUS), AND SHALL BE COMPACTED TO A DENSITY OF NO LESS THAN 95% OF MAXIMUM DRY DENSITY AS DETERMINED BY A.A.S.H.T.O. SPECIFICATION T-99. THE BASE SHALL HAVE A MINIMUM L.B.R. VALUE OF 100.
5. ALL ORGANIC AND YIELDING MATERIAL WITHIN THE LIMITS SHOWN SHALL BE REMOVED AND REPLACED WITH CLEAN FILL. THE SUB-BASE SHALL EXTEND 12" BELOW THE BASE COURSE, SHALL HAVE A MINIMUM LBR OF 40 AND SHALL BE COMPACTED TO 95% OF MAXIMUM DRY DENSITY AS PER A.A.S.H.T.O. T-99-C.
6. SHOULDER SHALL BE STABILIZED TO AN L.B.R. VALUE OF AT LEAST 40. THE MINIMUM DEPTH OF THE STABILIZED SHOULDER SHALL BE 6". ALL SHOULDERS SHALL BE COMPACTED TO 95% OF MAXIMUM DRY DENSITY AS DETERMINED BY A.A.S.H.T.O. T-99-C.
7. MINIMUM ROAD CROWN ELEVATION SHALL BE AS PER BROWARD COUNTY OR LOCAL DRAINAGE DISTRICT CRITERIA.
8. THIS PLAN IS NOT CONSISTENT WITH NOR MEETS THE REQUIREMENTS OF THE BROWARD COUNTY LAND DEVELOPMENT CODE.

1.	PER TOWN MEETING OF 10/16/02	10/16/02
NO.	REV/NO/05	DATE

TOWN OF SOUTHWEST RANCHES		DRIVEWAY TO SERVICE 4 (MAX) RESIDENTIAL LOTS CONCEPTUAL ENGINEERING NOTES			
 WINNINGHAM & FRADLEY, INC. ENGINEERS • PLANNERS • SURVEYORS 111 S.E. 4TH STREET, OAKLAND PARK, FL 33304 954-371-7450 FAX 954-371-0288	EG-0002595	CRANK: NP	DATE: 09	PROJECT NUMBER	SHEET
	LS-0002585	CHECKED:	DATE:	502.0000	3 OF 3

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1
2 (D) *Nonvehicular access line.* All plats adjacent to a Trafficway Corridor or
3 non-Trafficway collector street shall provide a nonvehicular access line
4 along all road frontages, specifying that, along the ultimate right-of-way line
5 of the abutting roadway(s), no access shall be permitted except at those
6 points of access provided in conformance with the standards of this Article.
7 Amendment of the nonvehicular access line shall be via Town Council
8 approval with associated delegation request/plat amendment agreement
9 through the Broward County Board of Commissioners.

10
11 (E) *Number and location of driveway entrances.*

12
13 In order to provide the maximum safety with the least interference to the
14 traffic flow on public streets, and to provide ease and convenience in
15 ingress and egress to private property, the number and location of
16 driveways shall be regulated relative to the intensity or size of the property
17 served and the amount of frontage which that property has on a given
18 street as follows:

- 19
20 (1) One (1) driveway shall be permitted for ingress and egress purposes
21 to a single property or development.
22
23 (2) Two (2) driveways entering on a particular street from a single
24 property or development may be permitted if all other requirements of
25 this Section are met and if:
26
27 a. the minimum driveway spacing between the two (2) driveways on
28 the same plot equals or exceeds twenty (20) feet for single-family
29 residential and agricultural use plots, and fifty (50) feet for all
30 other plots; and
31 b. the minimum driveway spacing between the two (2) driveways
32 and the driveways on abutting plots equals or exceeds fifty (50)
33 feet
34
35 (3) Three (3) driveways entering on a particular street from a single
36 property or development may be permitted if all other requirements of
37 this Section are met and if:
38
39 a. the minimum driveway spacing between adjacent driveways on
40 the same plot equals or exceeds forty (40) feet for single-family
41 residential and agricultural use plots, and one hundred (100) feet
42 for all other plots; and
43 b. each driveway is spaced at least one hundred (100) feet from
44 any driveway on abutting plots.
45
46 (4) In general, not more than three (3) driveways will be permitted from a
47 single property or development. However, in the case of extensive

property development (property exceeding ten (10) acres in total land area and/or containing more than one thousand (1,000) parking stalls), additional driveways may be permitted provided all other requirements of this Section are met and the minimum driveway spacing between adjacent driveways equals or exceeds three hundred (300) feet.

- (5) The minimum driveway spacing between driveways on adjacent properties shall be fifty (50) feet. This driveway spacing may be modified by the Town Engineer if a traffic engineering study acceptable to the engineer demonstrates that public safety will not be adversely affected by such modification.

- (6) Nonresidential parking facilities, when located along a collector residential street, shall be served by driveways having a minimum spacing of two hundred fifty (250) feet.

(F) *Driveway design and construction standards.*

- (1) *Ramp-type or swale-type driveway entrance.* Except as provided in (2) below, all driveways shall be constructed with the standard ramp type or swale-type driveway entrance and shall conform to the following width requirements:

	Minimum	Maximum
Residential	n/a	24 feet
Other Uses:		
one-way	15 feet	24 feet
two-way	24 feet	44 feet

(Widths to be measured from the street line)

The width of a curb opening for a ramp type driveway entrance shall not exceed the driveway width by more than five (5) feet on each side.

- (2) *Street-type driveway entrance.* Construction of a street-type driveway shall be required for entrances of any development which includes a parking area for three hundred (300) or more vehicles or where the development anticipates substantial loading or trucking operations. Such driveway shall be a minimum width of thirty (30) feet and a maximum width of sixty (60) feet.

- (3) Limitations on driveway entrance improvements.

- a. There shall be a minimum of fifteen (15) feet of straight tangent length between a driveway and the radius return or chord of the ultimate right-of-way line of an intersection of local streets. At all other intersections the minimum straight tangent length shall be fifty (50) feet.
 - b. There shall be a minimum of forty-five (45) feet between the closest radius return of a driveway and the intersection of local street ultimate right-of-way lines. At all other intersections the distance shall be eighty (80) feet.
- (4) No driveway entrance shall include any public facility such as traffic signal poles, crosswalks, loading zones, utility facilities, fire alarm supports, meter boxes, sewer clean outs, or other similar type structures.
 - (5) Within the ultimate right-of-way limits, the maximum recommended driveway grade is approximately three percent (3%). The maximum allowable grade is four and two-tenths percent (4.2%) or one-half (1/2) inch per foot. The maximum slope immediately beyond the ultimate right-of-way line shall not change in excess of five percent (5%) for either angle of approach or break over angle. Variations from these standards shall be permitted if adherence to these standards would cause incompatibility with existing swales.
 - (6) Existing driveway approaches shall not be relocated, altered, or reconstructed without approval for relocation, alteration, or reconstruction of such driveway approaches. When the use of any driveway approach is changed, making any portion or all of the driveway approach unnecessary, the developer of the abutting property shall obtain a permit to abandon the driveway approach and shall, at the developer's expense, replace all necessary curbs, gutters, swale areas and sidewalks.
 - (7) If the closest intersection involves two (2) streets classified as arterial or collector, then traffic movements to and from any driveway within one hundred twenty-five (125) feet of an intersection with a collector and two hundred fifty (250) feet of an intersection with an arterial shall be limited to right turns only.
 - (8) No driveway shall be constructed prior to issuance of a permit for work in the right-of-way by the appropriate governmental agency.
 - (9) Replacement of abandoned driveways. Existing driveway approaches shall not be relocated, altered, or reconstructed without approval for relocation, alteration, or reconstruction of such driveway

approaches. When the use of any driveway approach is changed, making any portion or all of the driveway approach unnecessary, the developer of the abutting property shall obtain a permit from the Town Engineer to abandon the driveway approach and shall, at his expense, replace all necessary curbs, gutters, and sidewalks.

- (10) *Minimum width.* Nonresidential two (2) way driveways shall be a minimum of twenty-four (24) feet wide. One (1) way driveways shall be a minimum of fifteen (15) feet wide except where required for emergency vehicle access in which case the minimum width is twenty (20) feet. For both one and two-way driveways, required widths shall be increased according to vehicle type or if the number of parking stalls connected or the number of trips generated justifies such an increase in width. [See , Sec. 080-150(C), "Parking space, loading space and aisle dimensions.]

Section 090-090. Design of trafficway corridors.

A site connected to a street at any point within a trafficway corridor shall meet the design criteria, requirements and standards of Subsection 5-195(b), "Access to Trafficway Corridors," of the Broward County Land Development Code, as may be amended from time to time.

Section 090-100. Roadway capacity, construction and design standards.

- (A) Street capacities shall be determined by the standards established by the Highway Capacity Manual prepared by the Transportation Research Board of the National Research Council, Washington, D.C.
- (B) The construction of roadways, and work in the public right-of-way shall conform to Broward County Resolution No. 85-3606, Broward County Administrative Code, Minimum Construction Standards Applicable To Public Rights-Of-Way Under Broward County Jurisdiction or the Florida Department of Transportation Standards Specifications for Road and Bridge Construction.
- (C) Local streets, and collector streets that have not been identified on the Broward County Trafficways Plan shall conform to the criteria and characteristics of Tables 90-2 through 90-5 and other provisions of this Section.
- (D) Notwithstanding (A) through (C), curbing of roadways within the rural and agricultural zoning districts is prohibited unless determined necessary by the Town Engineer in specific instances to protect the public safety, where

1 other, less objectionable methods consistent with Policy II-A1.5 of the
2 Town's Land Use Plan are not available. Policy II-A1.5 seeks to maintain
3 the Town's semi-rural lifestyle.
4

5 (E) *Intersections.*
6

7 (1) *Spacing of street intersections.*
8

- 9 a. A collector may intersect an arterial but only if aligned with and
10 extending an existing collector which intersects the arterial or at a
11 minimum distance of one-quarter mile (1,320) feet from the
12 intersection of an existing collector and the arterial, or at a
13 minimum distance of fourteen hundred twenty (1,420) feet from
14 the intersection of two (2) arterials.
15
16 b. A local street may not intersect an arterial unless unavoidable, in
17 which case the local street may intersect an arterial, but only if
18 aligned with and extending an existing local street which
19 intersects the arterial; or at a minimum distance of six hundred
20 sixty (660) feet from any other intersection of the arterial, except
21 at a minimum distance of seven hundred sixty (760) feet from the
22 intersection of two (2) arterials.
23
24 c. A collector may intersect another collector, but only if aligned with
25 and extending an existing collector; or at a minimum distance of
26 six hundred sixty (660) feet from any other intersection of the
27 collector.
28
29 d. A local street may intersect a collector if spaced at a minimum
30 distance of six hundred sixty (660) feet from any other intersection
31 or, in the case of a T-type intersection, at a minimum distance of
32 three hundred thirty (330) feet from any other intersection.
33
34 e. The minimum spacing requirements of this Section may be
35 reduced upon a finding by the Town that, given the particular
36 conditions of the proposed development, such reduction will not
37 compromise operational and safety standards.
38

- 39 (2) Additional right-of-way shall be required at major intersections to
40 accommodate installation of traffic control equipment in the form of a
41 corner chord as shown in Table 90-1, below, and/or additional
42 approach lane capacity, as depicted by Figure 90-2, below.

Table 90-1. Corner cord requirements.

	<u>Arterial</u>	<u>Collector</u>	<u>Local</u>
Arterial	35 feet	30 feet	30 feet
Collector	30 feet	30 feet	30 feet
Local	30 feet	30 feet	25 feet

If conditions warrant special consideration as determined by the Town Engineer, alternate provisions for additional right-of-way at intersections may be approved.

(F) Local street requirements.

Local streets are required when connections of driveways or private streets to a collector would be otherwise closer than two hundred fifty (250) feet.

(1) There shall be a minimum distance of two hundred fifty (250) feet between the intersection of any two (2) local streets with a single collector, except that there may be a minimum distance of one hundred twenty-five (125) feet between "T" intersections.

(2) Local streets shall be patterned in such a way that continuous traffic from one collector to another collector is not possible.

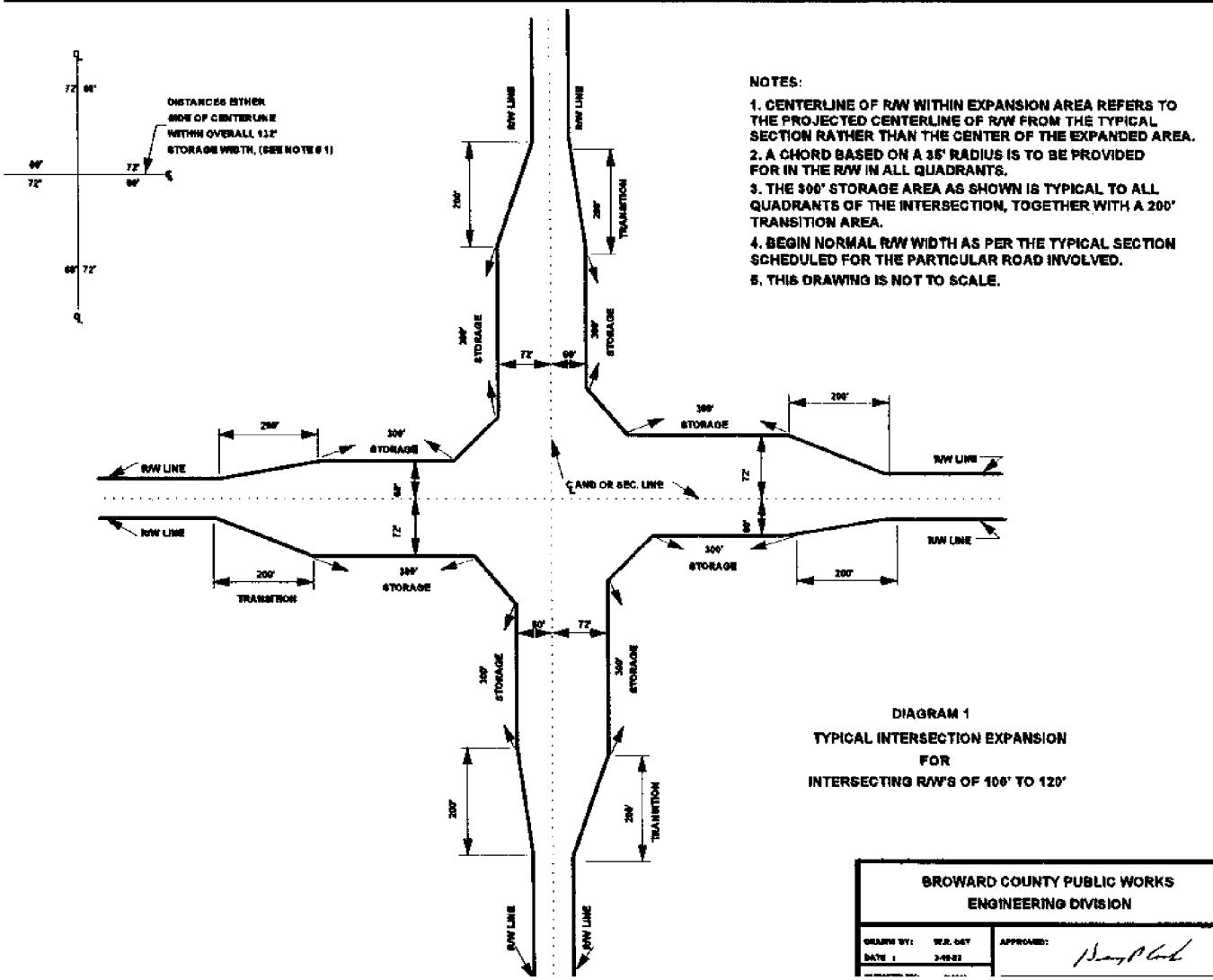
(3) Dead end streets.

a. Dead end streets shall be designed and constructed with a turnaround at the closed end pursuant to the requirements of the Florida Building Code, and providing a minimum fifty (50) foot radius, accommodating at least WB-40 geometric design vehicles.

b. The turnaround shall be paved except for unpaved streets permitted pursuant to Subsec. 90-80(C)(1), "Access to development" for private streets." Adequate easement or right-of-way area shall be provided for construction of the paved surface, roadway drainage, and sidewalks, if required, adjacent to the turnaround.

c. Where existing right-of-way or ingress/egress easement width is inadequate to accommodate the required turnaround, and additional right-of-way or easement area cannot practically be obtained, an alternate turnaround consistent with Figure 90-1 may be provided subject to approval by the Fire Marshall and Town Engineer.

Figure 90-2. Approach lane requirements.



(4) A loop street, a local street which begins and ends at the same collector, shall be subject to the following requirements:

a. A loop street may be designed with a right angle corner serving as a cul-de-sac providing that a recessed circular pavement at such corner allowing greater frontage for irregularly shaped lots is provided.

b. A loop street may begin at a collector and end at a local street provided that the system does not exceed the maximum number of trips permitted.

(G) *Bridge embankment requirements.* If a street requires a bridge, additional right-of-way will be required to accommodate the width of necessary bridge design features including, without limitation, grade, fill slopes and drainage requirements.

(H) *Limitations on improvements in the ultimate right-of-way.*

No obstructions of any type which are deemed unsafe by Town standards shall be left in the ultimate right-of-way as a result of any improvements in the ultimate right-of-way.

(I) *Design criteria for local streets by development type.* The design of local streets shall comply with the requirements of the provisions and tables below depending on the type of development proposed. Deviations from the numerical standards of Tables 90-2 through 90-5 may be allowed but only where approved by the Town Engineer upon a finding that substantially equivalent protection of the public safety can be achieved by alternative standards; provided, however, that no alternative standard having more than a ten percent (10%) deviation from the numerical standard stated below shall be permitted. If a proposed development includes more than one type of use, the highest criteria shall apply.

(1) *Residential development.*

a. Residential streets shall be adequate to permit neighborhood traffic circulation to flow from the highest element of the hierarchical classification, the expressway, arterial or collector, to the lowest element, the local residential street. Circulation within a residential development shall be adequate when the criteria of the tables below are met and when collectors and local streets are provided which meet the standards below. If all lots in a development are more than two and one-half (2.5) acres, the development shall conform to the minimum design standards of

Table 90-2. If all lots in a development are between one (1) acre and two and one-half (2.5) acres, the development shall conform to the minimum design standards of Table 90-3. Table 90-5 applies to any portion of a street within a trafficway corridor. Design requirements for trafficway streets are set forth in Sec. 195(b), Table VII of the Broward County Land Development Code, as may be amended from time to time.

- b. Plots having frontage on both a collector roadway and a non-collector, non-arterial roadway shall obtain access from the lowest classification roadway, and shall place a nonvehicular access line along the plot line fronting the collector or arterial roadway.

TABLE 90-2. Rural development design standards.

Minimum Lot Size: More than 2.5 Acres Gross

	<u>Collector (nontrafficway)</u>		<u>Local Streets</u>	
	<u>Four-Lane Collector</u>	<u>Two-Lane Collector</u>	<u>Local</u>	<u>Local Cul-de-sac</u>
Typical Volume	6,500- 18,000 vpd	2,000- 5,000 vpd	300- 2000 vpd	0- 300 vpd (a)
Residential Access	Limited	Limited	Yes	Yes
Design Speed	45 mph	40 mph	35 mph	30 mph
Typical Space Between Streets	1/2 mile	1/4 mile	660 feet	330 feet
Intersection Space Maximum	None (b)	2 miles (b)	N/A	N/A
Intersection Space Minimum	1320 feet (b)	660 feet (b)	250 feet (c)	250 feet (c)
Lanes	4	2	2	2
Minimum	52 feet	28 feet	22 feet	22 feet

1	Pavement				
2					
3	Pavement	Yes (d)	Yes (d)	Yes (d)	Yes (d)
4	Mark/Signing				
5					
6	Driveway Design	Swale-	Swale-	Swale-	Swale-
7		Drive (e)	Drive (e)	Drive (e)	Drive (e)
8					
9	Parking On Street	Prohibited	Prohibited	Prohibited	Prohibited
10					
11	Median	Yes	No	No	No
12					
13	*Turn Lanes	Yes (f)	Yes (f)	No	No
14					
15	Traffic Signal	As Warranted	As Warranted	No	No
16					
17	Pedestrian	Intersection	Intersection	Intersection	Intersection
18	Crossing	Only (d)	Only (d)	Only (d)	Only (d)
19					
20	*Building Setback	25 foot min.	25 foot min.	25 foot min.	25 foot min.
21					
22					
23	*Approach Widening				
24	(Intersection				
25	Improvement)	Yes	Yes	No	No
26					
27	*Row	80 feet	60-80 feet (e)	60 feet	60 feet
28					
29	Design Vehicle				
30	(Geom)	WB-60 & SU	WB-60 & SU	WB 40	WB 40
31					
32	Corners (ROW)	30 ft. chord	30 ft. chord	25 ft. radius	25 ft. radius
33					
34	*Bikeways	Yes	Yes	No	No
35					
36	Sidewalks	No	No	No	No

* Further explanation in provisions of this Section

(a) Over 300 vpd may be allowed if an alternate emergency access is provided.

(b) Or alternate approved by the Town Engineer based upon land planning and traffic analysis.

(c) See Subsection 90-100(E)(1)

(d) As delineated in the Manual on Uniform Traffic Control Devices (MUTCD).

(e) Or alternate approved by the Town Engineer.

(f) On Collectors--For collector/collector intersections or local/collector intersections with more than 1000 vpd.
N/A Not applicable.

Table 90-3. Low density residential development design standards.
(35,000 square feet net (a) to 2.5 acres gross)

	<u>Collector (nontrafficway)</u>		<u>Local Streets</u>	
	<u>Four-Lane Collector</u>	<u>Two-Lane Collector</u>	<u>Local</u>	<u>Local Cul-de-sac</u>
Typical Volume	6,500- 18,000 vpd	2,000 6,500 vpd	300(d)- 2000 vpd	0-300(d) vpd
Direct Access	Limited (c)	Limited (c)	Yes	Yes
Design Speed	45 mph	40 mph	35 mph	30 mph
Typical Space Between Streets	1/2 mile	1/4 mile	330 feet	330 feet
Intersection Space Maximum	None (d)	2 miles (d)	1/2 mile	N/A
Intersection Space Minimum	660 feet	660 feet	250 feet (e)	250 feet (e)
Lanes	4	2	2	2
Minimum Pavement	52 feet	28 feet	24 feet	22 feet
Pavement Mark/Signing	Yes (f)	Yes (f)	Yes (f)	Yes (f)
Driveway Design	Swale- Drive (d)	Swale- Drive (d)	Swale- Drive (d)	Swale- Drive (d)
Parking On Street	Prohibited	Prohibited	Prohibited	Prohibited
Median	Yes	No	No	No

*Turn Lanes	Yes (g)	Yes (g)	No	No
Traffic Signal	As Warranted	As Warranted	No	No
Pedestrian Crossing	Intersection Only (f)	Intersection Only (f)	Intersection Only (f)	Intersection Only (f)
*Building Setback	25 foot min.	25 foot min.	25 foot min.	25 foot min.
*Approach Widening (Intersection Improvement)	Yes	Yes	No	No
*Row	80 feet	60-80 feet(e)	50 feet	50 feet
Design Vehicle (Geom)	WB-60 & SU	WB-60 & SU	WB 40	WB 40
Corners (ROW)	30 ft. chord	30 ft. chord	25 ft. radius	25 ft. radius
*Bikeways	Yes	Yes	No	No
*Sidewalks	Pursuant to Sec. 090-140, "Sidewalks."			

* Further explanation in provisions of this Section

(a) Net = fee simple ownership.

(b) Over 300 vpd may be allowed if an alternate emergency access is provided.

(c) Residential access may be allowed for lots with a minimum of 200 feet frontage or for collectors if volume does not exceed a projection of 3000 vpd.

(d) Or alternate approved by the Broward County Engineering Division.

(e) See Subsection 90-100(E)(1), "Local street requirements".

(f) As delineated in the Manual on Uniform Traffic Control Devices (MUTCD).

(g) On Collectors--For collector/collector intersections or local/collector intersections with more than 1000 vpd.

N/A Not applicable.

(2) *Commercial development.* Commercial development shall be designed to satisfy the needs generated by residential development. The size and location of the proposed commercial development shall be appropriate to support the proposed use.

a. *Commercial streets.* Commercial streets shall be designed to facilitate the efficient and safe movement of vehicles from major arterials to regional commercial facilities, and from collectors and

local residential streets to community and neighborhood commercial development. The design of commercial streets shall comply with the standards of Table 90-4, below. Table 90-5 applies to all portions of a street within a trafficway corridor.

b. *Pedestrian access.* Neighborhood and community commercial facilities shall have an efficient and direct pedestrian connection to the residential areas the facilities are intended to serve. The design of local commercial facilities shall allow pedestrian and bike riders direct access from adjacent neighborhood areas, with due consideration to the elimination of points of conflict between pedestrians and vehicles.

(3) *Industrial development.* Industrial development shall be designed to provide easy and safe access for incoming raw materials, and for the personnel operating the industrial facilities. Adequate location and size shall insure that noise levels, smells and odors, vibration, radiation and other sources of nuisance will not affect residential development. Industrial streets shall be designed to provide direct access from arterials and collectors to industrial local streets. Local residential streets shall not be used to provide access to immediately adjacent industrial development. Industrial streets shall comply with the standards of Table 90-4, below. Table 90-5 applies to all portions of a street within a trafficway corridor.

Table 90-4. Commercial and industrial development design standards.

	<u>Collector (Nontrafficway)</u>		<u>Local Streets</u>	
	<u>Four-Lane Collector</u>	<u>Two-Lane Collector</u>	<u>Local</u>	<u>Local Cul-de-sac</u>
Typical Volume	6500- 20,400 vpd	3000- 8,500 vpd	500- 4,000 vpd	0- 1000 vpd (a)
Residential Access	Limited (b)	Limited (b)	Yes	Yes
Design Speed	45 mph	40 mph	35 mph	30 mph
*Typical Space Between Streets	1/2 mile	1/4 mile	660 feet	330 feet
Intersection Space Maximum	1 mile	1/2 mile	1/2 mile	660 feet

1					
2	Intersection Space				
3	Minimum	660 feet	660 feet	330 feet	330 feet
4					
5	Lanes	4	2	2	2
6					
7	Minimum	52 feet (f)	28 feet (f)	24 feet	24 feet
8	Pavement				
9					
10	Pavement Mark/				
11	Signing	Yes (d)	Yes (d)	Yes (d)	Yes (d)
12					
13	Driveway Design	Ramp/	Ramp/	Ramp/	Ramp/
14		Street (e)	Street (e)	Street (e)	Street (e)
15					
16	Parking on Street	Prohibited	Prohibited	Prohibited	Prohibited
17					
18	Median	Yes	No	No	No
19					
20	*Turn Lanes	Yes	Yes	No	No
21					
22	Traffic Signal	As Warranted	As Warranted	As Warranted	No
23					
24	Pedestrian	Intersection	Intersection	Intersection	Intersection
25	Crossing	Only (d)	Only (d)	Only (d)	Only (d)
26					
27	*Building Setback	10-foot min.	5-foot min.	5-foot min.	5-foot min.
28					
29	*Approach Widening				
30	(Intersection				
31	Improvement)	Yes	Yes	No	No
32					
33	*Row	80 feet	60-80 feet	60 feet	60 feet radius
34					
35	Design Vehicle	WB-60	WB-60	WB-60	WB-60
36	(Geom)	& SU	& SU	& SU	& SU
37					
38	Corners (ROW)	30-foot	30-foot	25-foot	25-foot
39		chord	chord	chord (e)	chord
40					
41	*Bikeways	Yes	Yes	No	No
42					
43	*Sidewalks	Yes	Yes	Yes	Yes
44					
45	*Further explanation in provisions of this Section.				

- (a) Cul-de-sacs may be approved for traffic volumes more than one thousand (1,000) vpd if an alternate is approved by the Town Engineer.
- (b) As permitted in Subsec. 090-080(E), "Number and location of driveway entrances."
- (c) Or one hundred sixty-five (165) feet for opposing offset "T" intersections.
- (d) As delineated in the Manual on Uniform Traffic Control Devices (MUTCD).
- (e) Or alternate approved by the Town Engineer.
- (f) Bicycle lanes or three foot unmarked lanes shall be included if right-of-way is available.

Table 90-5. Design criteria for construction of local streets within trafficway corridors

	4-Lane	2-Lane (i)	2-Lane	2-Lane Local
Design Factor	Local Collector	Local Collector	Local	Cul-De-Sac
Generalized Volume [ADT] (e)	6,500--20,400	3,000--8,500	800--4,000	0--300
Vehicular Access	Pursuant to provisions of Sec. 5-195(b)(11) of Broward LDC			
Design Speed (f)	40 mph	40 mph	35 mph	30 mph
Typical Streets Spacing	Pursuant to provisions of Sec. 190-100(D)			
Pavement Width (k)	48--56 ft	24--32 ft	24 ft	24 ft
Pavement Markings	Thermoplastic (a) Thermoplastic (a) Thermoplastic (a) Thermoplastic (a)			
Driveway Design (h)	Street Type	Street Type Swale Type	Street Type or or Swale Type	Street Type
On-Street Parking	Prohibited	Prohibited	Prohibited	Prohibited
Median Width (g)(j)	15.5--22 ft	n/a (k)	n/a	n/a
Border Width	7--10 ft	7--10 ft	7--10 ft	7--10 ft
Turn Lanes*	Yes	Yes	No	No
Traffic Signal	As Warranted	As Warranted	As Warranted	As Warranted
Pedestrian Crossings (b)	At Intersections Only			
Approach Widening* (Intersection Improvement)	Yes	Yes	No	No
Right-of-Way*	70 ft or Greater	60 ft or Greater	50--60 ft	50-60 ft radius
Design Vehicle	SU and WB-50	SU and WB-50	SU and WB-50	SU and WB-50

Sidewalks Pursuant to the provisions of Sec. 90-130, "Sidewalks."

Bikeways*	Yes	Yes	No	No
-----------	-----	-----	----	----

* Further explanation in provisions of this Article

n/a Not applicable

(a) Or alternate approved by the Town Engineer

(b) As delineated in the Manual of Uniform Traffic Control Devices (MUTCD)

(c) Reserved.

(d) Interim Trafficway road cross section

(e) Individual Roadway Volume Capacities are determined pursuant to the Comprehensive Plan

(f) Variations from design speeds must be approved by the Town Engineer based on an evaluation of design elements

(g) Some roadways may be constructed with a continuous paved center lane twelve to fourteen (12 to 14) feet in width

(h) Or alternative pursuant to Sec. 5-195(b)(11)c) of the Broward County Land Development Code, as may be amended from time to time

(i) The interim two-(2) lane roadway shall be positioned within the right-of-way for the future construction of a divided roadway

(j) Median widths must be approved by the Town Engineer based on an evaluation of design elements

(k) Two-(2) lane divided roadways may be approved by the Town Engineer - minimum lane width = fifteen (15) feet

Section 090-110. Pavement markings and signing plans.

The pavement marking and signing improvement plans shall conform to the "Manual on Uniform Traffic Control Devices." The pavement marking and signing plans shall be approved by the Town Engineer. No construction shall be commenced until the provisions set forth in Sec. 090-150, "Installation of improvements," have been satisfied. Pavement markings for driveway connections to trafficways that are functionally classified as State Roads shall conform to the State of Florida Department of Transportation "Roadway and Traffic Design Standards" and the State of Florida Department of Transportation "Standards Specifications."

Section 090-120. Bicycle facilities.

(A) *Location.* Bicycle facilities shall be indicated by site plans in accord with the Bicycle Facilities Network Plan adopted by the Broward County Commission, as may be supplemented by the Town Council.

(B) *Dimensions.* All bicycle facilities (bicycle paths, lanes, routes, multi-purpose and recreational paths) shall follow, at least, the minimum specifications provided for in the Guide For Development of New Bicycle Facilities prepared by the American Association of State Highway and Transportation Officials (AASHTO).

1
2
3 **Section 090-130. Sidewalks.**
4

5 Sidewalks are not permitted within the rural, agricultural and community facility
6 zoning districts, consistent with Policy II-A1.5 of the Town's Land Use Plan,
7 which seeks to maintain the Town's semi-rural character. Commercial and
8 industrial zoning districts, are subject to the following requirements.
9

- 10 (A) A minimum five (5) foot wide sidewalk shall be constructed as specified in
11 Tables 90-2 through 90-5 of Sec. 090-100, "Roadway capacity,
12 construction and design standards."
13
14 (B) *Sidewalk construction.* All sidewalks shall be constructed in accordance
15 with the Minimum Construction Standards Applicable to Public Rights-of-
16 Way, latest edition. Sidewalks shall be separated from the road surface by
17 a curb or swale. At intersections, midblock crossings, bus stops, bus bays,
18 and bus shelters, sidewalk connections to the road surface or drop curb
19 ramps shall be constructed to provide accessibility to disabled persons per
20 F.D.O.T. Index 304. Sidewalks shall not be constructed within utility
21 easements where existing or future utility poles, service boxes, or other
22 obstructions will reduce the width of the sidewalk below five (5) feet, or as
23 mandated for accessibility by the Americans with Disabilities Act, as same
24 may be amended from time to time.
25
26 (C) *Pedestrian barriers.* The Town Administrator may require that a site plan
27 indicate fences, hedges, berms, other landscaping, or other barriers on site
28 plans, in order to discourage pedestrians from crossing hazardous streets
29 at unsafe points or at numerous points. When possible, sites shall be
30 designed so as to promote pedestrian street crossings only at traffic control
31 signals, crosswalks, or intersections.
32
33

34 **Section 090-140. Public utility and drainage easements.**
35

36 A utility or drainage easement adjacent to a street shall be of a width determined
37 by the applicable utility companies, drainage district, governmental entities, or
38 Town Engineer. Such easements shall run parallel to the street and shall not be
39 included as part of the road dedication, ingress/egress easement or reservation
40 unless waived by all utility service providers.
41

1
2 **Section 090-150. Turning lanes.**
3

- 4 (A) *Left turn lane requirement immediately adjacent to the development.* A left
5 turn lane with a minimum of two hundred (200) feet of storage with one
6 hundred (100) feet transition shall be provided at each driveway that meets
7 the minimum spacing requirements of this Article, when the speed limit
8 equals or exceeds thirty-five (35) miles per hour, or if the ADT of the
9 driveway is one thousand (1,000) vehicles or more and/or the average
10 peak hour inbound left turn volume is twenty-five (25) vehicles or more.
11
12 (B) *Right turn lane requirements immediately adjacent to the development.* A
13 right turn lane with a minimum of one hundred fifty (150) feet of storage and
14 one hundred (100) feet of transition shall be provided at each driveway
15 when the speed limit equals or exceeds thirty-five (35) miles per hour, or if
16 the development will generate one hundred (100) or more right turn
17 movements during the peak hour.
18
19 (C) *Intersection improvements immediately adjacent to the development.* At
20 intersections which abut the development, the following improvement shall
21 be provided:
22
23 (1) A right turn lane shall be provided if the street's speed limit equals or
24 exceeds thirty-five (35) miles per hour or if the development will
25 generate one hundred (100) or more right turns during the peak hour.
26
27 (2) A left turn lane shall be provided if the street's speed limit equals or
28 exceeds thirty-five (35) miles per hour or if the development will
29 generate twenty-five (25) or more left turns during the peak hour.
30
31 (D) Required storage and transition lengths may be modified where conditions
32 warrant and are acceptable to the Town Engineer. When storage and
33 transition lengths are so modified, the minimum distances storage and
34 transition lengths may be correspondingly adjusted if appropriate.
35
36 (E) In carrying out the intent of the storage and transition length requirements,
37 such requirements may be modified in order to coordinate the
38 implementation of bus bay and driveway spacing requirements.
39
40

41 **Section 090-160. Installation of improvements; improvement agreements**
42 **and financial security.**
43

- 44 (A) *Improvements required.* A developer shall be responsible for all roadway
45 and drainage improvements, pursuant to Subsections (1) and (2), below,
46 for those streets lying within or adjacent to the proposed development and

1 necessary to accommodate the traffic generated by the development. Such
2 improvements shall be in accordance with the applicable portions of the
3 following: Resolution No. 85-3606, "Minimum Construction Standards
4 Applicable to Public Rights-of-Way Under Broward County Jurisdiction," set
5 out in the Broward County Administrative Code; the Manual for Uniform
6 Minimum Standards for the Design, Construction and Maintenance of
7 Streets and Highways (the "Green Book"); the Grading and Drainage
8 Regulations and Standards, Water Management Regulations and
9 Standards and Drainage Design Criteria and Standards of the Broward
10 County Water Resources Management Division; and the Manual of Uniform
11 Traffic Control Devices, as approved by the Broward County Traffic
12 Engineering Division.

- 13
- 14 (1) *On-site improvements.* A developer shall be required to bond for and
15 construct, the on-site improvements required by the provisions of this
16 Article and any additional improvements necessary for traffic safety,
17 including, but not limited to, the following: pavement, rock base, fill,
18 curbs, gutters, sidewalks, bikeways, guardrail, shoulder areas, swales,
19 roadside recovery areas, bridges, drainage outlets, catch basins,
20 drainage pipes, culverts, drainage ditches, headwalls, endwalls, rip-
21 rap, traffic signals and interconnecting facilities, traffic control signs
22 and pavement markings, street name signs, identification signs, left
23 and right turn lanes, median openings, bus turnouts, and traffic
24 separators.
- 25
- 26 (2) *Off-site improvements.* A developer shall be required to bond for and
27 construct, the roadway and drainage improvements on property
28 adjacent to the proposed development necessary to connect the new
29 development to an existing adequately paved adjacent street system
30 unless waived by the Town Engineer.
- 31
- 32 (3) At the Town Attorney's discretion, the Town may accept alternative
33 forms of surety.
- 34
- 35 (4) The Town Administrator may waive the surety requirements of this
36 Section when the Administrator determines that such surety is not
37 necessary to ensure that the improvements are constructed in a timely
38 manner, that the Town will be able to recoup the cost of any
39 improvements it constructs should a developer default on its
40 responsibilities, and that public health and safety will not be
41 compromised.
- 42
- 43 (B) *Installation required.* All improvements required from the developer as a
44 condition to the approval of an application for a development order shall be
45 installed and completed before the issuance of any C.O., except as
46 provided in Subsec. (C), below. Any water, sewer or drainage

1 improvements proposed or required to be constructed within the proposed
2 road right-of-way shall be installed and completed before acceptance of
3 any proposed or required road improvements by the Town Council.
4

5 (C) *Improvement agreements.* At the discretion of the Town Administrator, the
6 applicant may provide, in a form acceptable to the Town Council, a
7 recordable agreement which includes all of the required improvements and
8 the date of completion as an alternative to all required improvements being
9 installed and completed prior to the issuance of a development permit, and
10 provided that all other applicable requirements of this code are met. . Any
11 non-standard agreement or security proposed by a developer pursuant to
12 this Subsection shall be considered for approval by the Town Council.
13 Improvement agreements may be secured by lien, cash bond, surety bond
14 executed by a company authorized to do business in the State of Florida,
15 or an irrevocable letter of credit. The amount of the security shall be
16 sufficient to ensure the completion of all required improvements, and
17 providing for and securing to the public the actual construction and
18 installation of said required improvements, within a reasonable period of
19 time or before issuance of building permits or certificates of occupancy as
20 required by the Town Council and expressed in the bond or other security.
21 The Council may also approve standard form agreements and securities for
22 the installation of improvements, which do not require individual approval
23 by the Town Council. A standard form agreement and security presented
24 by a developer shall be approved by the Town Attorney prior to plat
25 recordation, recordation of an agreement to place or amend the note on a
26 plat, recordation of a document amending the non-vehicular access line, or
27 the issuance of a development order for a site plan. Town Attorney
28 approval is required for all such agreements.
29

30 (D) *Enforcement.* The Town Council is authorized to enforce such bonds,
31 security deposits or other collateral agreements by appropriate legal
32 proceedings. If the required improvements have not been completed prior
33 to issuance of a certificate of occupancy or as otherwise specifically
34 indicated in the terms of such bond or other security, the Town Council may
35 thereupon declare the bond or other security to be in default and require
36 that all the improvements be installed, regardless of the extent of the
37 development at the time the bond or other security is declared to be in
38 default. In addition to the Town Council's authority to enforce agreements
39 under this Subsection, no certificate of occupancy shall be issued prior to
40 the actual construction and installation of improvements provided for in the
41 agreement, unless expressly authorized in the agreement.
42

43 (E) *Bonds to other regulatory entities.* With respect to improvements required
44 by this Section, where such improvements are required by and bonded to
45 any other appropriate unit of local government or regulatory entity, the
46 Town Council shall not require duplicate bonds or additional bonds unless it

determines that the bond or security already required is inadequate to assure completion of such required improvements. Where such improvements are not required by and bonded to any other appropriate unit of government or regulatory entity, said security shall be payable to the Town.

(F) *Bonding required improvements.* The amount necessary to secure required paving, grading and drainage improvements and water and sewer improvements, and all other improvements required under the ULDC shall be based upon approved plans for those improvements, a registered professional engineer's cost estimates submitted by the applicant and approved by the Town Engineer, or cost estimates developed by the Town Engineer. Security amounts for the required improvements, including pavement markings and signing, shall be submitted to the Town Engineer after approval of a plat, placement or amendment to a note on a plat, revision or amendment to a non-vehicular access line, modification to a condition of plat approval, or site plan. Security amounts for the required improvements, including pavement markings and signing, shall be submitted to the Town Engineer for approval prior to submittal of any improvement agreement. Security amounts shall be approved based on the following procedure:

(1) *Engineer's cost estimate.* The applicant may submit an engineer's cost estimate for each of the required improvements listed in the staff report, utilizing the approved and current unit prices available from the Town Engineer.

(2) *Cost estimate by the Town Engineer.* The applicant may submit a written request for the Town Engineer to prepare a cost estimate for each of the required improvements listed in the staff report. The cost to the Town for the preparation of the estimate shall be reimbursed by the applicant.

(3) *Submittal of plans.* An applicant may submit engineering plans, including plans for pavement markings and signing, for the required improvements listed in the staff report. Required improvement plans shall conform to the "Minimum Construction Standards Applicable to Public Rights-of-Way Under Broward County Jurisdiction" adopted by Resolution No. 85-3606, set out in the Broward County Administrative Code, as well as any other applicable standards. When the plans and supporting documents provide sufficient information for the Town Engineer to make a determination, the Town Engineer shall calculate and issue an approved security amount for the required improvements. Upon receipt of the approved security amount, the Town Engineer shall approve the construction plans, and the applicant shall obtain all necessary permits.

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- (4) When the security is based upon a registered professional engineer's cost estimates or cost estimates developed by the Town Engineer, the applicant shall provide security in an amount which is twenty-five percent (25%) greater than the estimated cost. The security document shall provide for approval of improvement plans, including plans for pavement markings and signing, by the Town prior to commencement of construction or issuance of the first building permit, whichever first occurs. Failure to submit said improvement plans shall be deemed a default of the obligation secured and the security document shall provide for said default. No security shall be accepted nor construction commenced until the provisions set forth in this Section have been satisfied.
- (5) *School zone flasher improvements.* The amount necessary to secure required school zone flasher installation shall be determined by the Town Engineer. Prior to construction of school zone flasher improvements, plans prepared by a registered professional engineer shall be approved by the Town Engineer.

1 **ARTICLE 95. OUTDOOR LIGHTING STANDARDS.**

2
3 **Section 095-010. Purpose, intent and applicability.**

4
5 The purpose and intent of this Article is to create lighting standards that preserve
6 the rural character of the Town of Southwest Ranches and promote the health,
7 safety and welfare of the residents by establishing maximum intensities of
8 lighting and controlling glare from lighting fixtures. The provisions of this Article
9 shall apply to all permanent outdoor lighting from an artificial light source.
10

11 **Section 095-020. Definitions.**

12 In addition to terms defined in Article 10, "Definition of Terms," the following
13 words, terms and phrases, when used in this Article, shall have the meanings
14 ascribed to them in this Section, except where the context clearly indicates a
15 different meaning. In the absence of a specific technical definition, words and
16 phrases shall have those definitions and meanings as provided by the
17 Illuminating Engineering Society of North America.

18 *Athletic field lighting.* Any lighting greater than 35 feet in height utilized to
19 illuminate sports facilities.

20 *Area light.* Light that produces more than eighteen hundred (1,800) lumens.

21 *Cutoff, full.* A lighting fixture that emits zero (0) percent of its light above ninety
22 (90) degrees and ten (10) percent above eighty (80) degrees from horizontal.

23 *Floodlight.* Any light that produces no more than eighteen hundred (1,800)
24 lumens in a broad beam designed to saturate or illuminate a given area with
25 light. Generally, flood lights produce from 1,000 to 1,800 lumens. Floodlights
26 are directional fixtures.

27 *Glare.* The sensation produced by lighting that results in annoyance, discomfort
28 or a reduction of visual performance and visibility, and includes direct and
29 reflected glare. All directional fixtures and any fixture with an output of more than
30 eighteen hundred (1,800) lumens that is visible, either directly or by reflection,
31 from adjacent properties or streets shall be considered to cause glare.

32 *Outdoor lighting.* Lighting located outside of an enclosed building, or otherwise
33 installed in a manner that lights any area other than the inside of an enclosed
34 building.

35 *Residential and agricultural recreational lighting.* Fixtures of a type or intensity
36 designed or used to light sports courts or equestrian riding areas.

37 *Spotlight.* Any lighting assembly designed to direct the output of a contained
38 lamp in a specific, narrow and focused beam, with a reflector located external to
39 the lamp. Spotlights are directional fixtures.

1 *Stadium lighting.* See the definition for “athletic field lighting.”

2 *Temporary lighting.* Portable lights used for a special purpose, on a temporary
3 and rare or infrequent basis, limited to motor vehicle lights during the normal
4 operation of the vehicles, emergency services lights and handheld flashlights
5 and spotlights.

6 *Uplighting.* Light projected above the horizontal plane formed by the top of
7 fixture.

8 **Section 095-030. Prohibited outdoor lighting.**

9 (A) Uplighting, unless limited to *[TBD by lighting engineer]* lumens and either
10 shielded by an architectural overhang or landscape element, or used to
11 illuminate the flag of the United States of America.

12 (B) Area lights other than those with full cutoff fixtures.

13 (C) Lighting that results in glare onto adjacent properties or streets, provided
14 that fixtures activated only when motion is detected within the property
15 upon which they are located may cause glare if the fixture shuts off within
16 five (5) minutes of being activated, is not aimed at any residential window,
17 and is not consistently activated by human activity or animal activity after
18 11:00 p.m.

19 (D) Athletic field lighting.

20 (E) Street lights within residential zoning districts, except as determined
21 necessary by the Town Council to protect public health, safety and welfare
22 based upon consideration of traffic volumes and roadway conditions.

23 **Section 095-040. Outdoor lighting standards.**

24 All applications for a development permit, submitted after the effective date of
25 this Article, shall comply with the following standards.

26 (A) The overspill of light originating from any plot, regardless of zoning, onto
27 any other plot or street located within a residential zoning district in the
28 Town shall not exceed one-tenth (0.1) horizontal foot-candle measured at
29 grade level at the property line.

30 (B) All vehicular use areas, other than those that are accessory to a single-
31 family residence, shall be lighted in compliance with the minimum
32 standards established by the Illuminating Engineering Society of North
33 America. For purposes of this provision, “vehicular use area” does not
34 include streets.

35 (C) Vegetation screens shall not be employed as the primary means for
36 controlling glare. Glare control shall be achieved primarily through the use
37 of cutoff fixtures, shields and baffles, and the appropriate application of
38 fixture mounting height, lighting intensity, placement and angle.
39

1 (D) Electrical feeds for all pole mounted fixtures installed after the effective
2 date of this Article shall run underground, not overhead.

3
4 (E) Open air parking lighting shall be controlled by automatic devices that
5 extinguish the lighting between 11:00 p.m. and dawn.
6

7 **Section 095-050. Nonconforming outdoor lighting.**

8 Any legally installed outdoor lighting that does not conform to all of the
9 provisions of this Article shall come into compliance within (5) years of the
10 effective date of these regulations, except that approval of any application for a
11 development permit that seeks to increase the existing total square footage of
12 structures on a residential plot by fifty percent (50%) or more shall require that
13 all lighting on site be brought into compliance with these regulations.
14

15 **Section 095-050. Outdoor lighting permits.**

16
17 (A) All outdoor lighting on nonresidential plots and all applications for
18 residential recreational lighting on residential plots shall require approval of
19 a Town development order prior to installation. The application for a
20 development order shall be accompanied by a photometric plan, prepared
21 by a licensed engineer, in sufficient detail to demonstrate compliance with
22 these regulations, including mounting heights, fixture specifications, and
23 isofootcandle plots for individual fixture installations or a ten by ten (10x10)
24 foot luminance grid for multiple fixture installations. All photometric plans
25 shall overlay a site plan showing all structures, vehicular use areas and
26 walkways. The plan shall also show all existing and proposed trees within
27 twenty-five (25) feet of any existing or proposed light fixture within the area
28 that is the subject of the photometric plan.
29

30 (B) Prior to final inspection and the subsequent issuance of a final approval of
31 any development permit for the construction of outdoor lighting, a letter of
32 compliance from a registered professional engineer shall be provided to the
33 Town stating that the installation has been field checked and meets the
34 requirements of these regulations.
35

36 (C) The Town reserves the right to conduct a post-installation nighttime
37 inspection to verify compliance with the requirements of this Article, and if
38 appropriate, to require remedial action at no expense to the Town.
39

40 **Section 095-060. Maintenance.**

41
42 Lighting fixtures and ancillary equipment shall be maintained so as to always
43 meet the requirements of this Article.
44
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2 **PART 4. DEVELOPMENT REVIEW PROCEDURES AND**
3 **REQUIREMENTS.**
4

5 The purpose of this Part is to establish procedures for the issuance of
6 development orders for the development of land within the Town of Southwest
7 Ranches, Florida.
8
9

10 **ARTICLE 100. GENERAL APPLICATION SUBMITTAL REQUIREMENTS**
11 **AND NOTICE PROCEDURES.**
12
13

14 **Section 100-010. Application and requirement for development permits.**
15

16 No development order or development permit shall be issued except in
17 compliance with the requirements and procedures set forth in this Article.
18
19

20 **Section 100-020. General application submittal requirements.**

21 (A) *Application submittal:* All applications hereunder shall be in the form of a
22 Town application submitted by any qualified applicant, except that Town-
23 initiated applications need not comply with application submission
24 requirements established herein for third-party applications, other than
25 those requirements otherwise established by law. Application submittal
26 requirements, shall be provided on or with all Town development review
27 applications forms. Each application shall be accompanied by a fee or
28 fees as determined by the Town for each type of application pursuant to the
29 official fee schedule. Specific submittal requirements may be set forth
30 herein for certain types of development review applications.

31 (B) *Applicants:* Qualified third-party applicants shall be limited to the following:

32 (1) For vacation or abandonment of rights-of-way: the owner or
33 authorized agent of the owner of the property contiguous to the right-
34 of-way.

35 (2) For administrative appeals, any person who has been aggrieved by an
36 order, requirement, determination or decision on the basis of an
37 alleged error made by the official or employee.

38 (3) For all other applications, the owner, or authorized agent of the owner,
39 having unified control or a recognizable interest in the property,
40 provided all owners and all holders of equitable interest, including
41 purchasers have authorized the application as required by law. For
42 example, for a property owned by a trust, the trust agreement may
43 allow two (2) of three (3) trustees to authorize such an application.

- 1 (C) *Traffic study.* Applications for plan amendment, site plan, variance, or
2 rezoning that could result in an increase in the density or intensity of
3 permitted uses, specifically excluding any variance for one (1) single-
4 family residence, shall submit to the Town a traffic study assessing the
5 proposed development's vehicular, pedestrian and bicycle access; on-site
6 circulation; parking; any proposed roadway or easement vacations or
7 road closures, whether permanent or temporary for construction
8 purposes; and off-site roadway impacts, including net traffic impact and
9 traffic impact within adjacent neighborhoods. The traffic study shall utilize
10 the most current edition of the Institute of Transportation Engineers' *Trip*
11 *Generation* manual and shall use generally accepted methodologies.
12
13

14 **Section 100-030. Minimum required content for all public hearing**
15 **notifications.**

- 16 (A) *Newspaper and mail notices.* Where these regulations require a public
17 hearing prior to consideration of an application by an advisory council,
18 committee or the Town Council, public notice shall be given in the forms
19 and procedures required by this Article, and shall contain the following
20 minimum information:

- 21 (1) Explanation of the request;
22 (2) Time, place and date of public hearings;
23 (3) Phone number for information;
24 (4) General location, and address of the lands involved, if applicable;
25 (5) That the application and backup material are available for inspection
26 at Town Hall, specifying the Department and times the materials are
27 available for review;
28 (6) That persons may appear and be heard, subject to proper rules of
29 conduct;
30 (7) That written comments filed with the Town will be entered into the
31 record;
32 (8) That the hearing may be continued from time to time as necessary;
33 (9) That any person who decides to appeal a decision made at the public
34 hearing is advised they will need a record of the proceedings and that,
35 accordingly, they may need to ensure that a verbatim record of the
36 proceedings is made, including the testimony and evidence upon
37 which such appeal is to be based;
38 (10) That persons with disabilities requiring accommodations in order to
39 participate should contact the Town Clerk (provide phone number) at
40 least twenty-four (24) hours in advance of the public hearing to
41 request such accommodation; and
42 (11) Any other information required by law, noting that advertisements for
43 comprehensive plan amendments and certain rezonings are
44 specifically regulated by Chapter 166.041, Florida Statutes, as may be
45 amended from time to time.
46

1 (B) *Supplemental requirements for quasi-judicial hearing notices.*

2
3 Each newspaper and mail notice shall inform all affected persons that they
4 will be allowed to present evidence at the hearing and bring forth witnesses
5 provided they notify and file the required forms provided by the Town
6 Clerk's Office.

7 (C) *Sign notices.* The petitioner shall be responsible for posting a sign along
8 the each property line of the subject property with street frontage for the
9 following applications: land use plan amendments, zoning map
10 amendments, variances, and site plans. The notice shall be posted so as
11 to be visible from the public rights-of-way, and shall be at least six (6)
12 square feet in area. The sign shall state the nature of the request and the
13 phone number to call for further information. The Town Administrator shall
14 provide the applicant with the specific language required to appear on the
15 sign for each application.

16 Petitioner shall provide proof of sign posting no later than three (3) days
17 following the required posting date required by Sec. 100-040, "Timing of
18 public notice," but in no case fewer than seven (7) days prior to the date of
19 the public hearing. Proof shall consist of one (1) or more photograph(s) of
20 the sign placed upon the site, as necessary to demonstrate the location of
21 the real property upon which the sign is posted, and the exact location of
22 the sign upon the property. A notarized affidavit, signed by the petitioner or
23 sign company responsible for posting the sign, shall accompany the
24 photographs. Other proof may be provided if acceptable to the Town
25 Administrator.

26 If the applicant fails to submit the affidavit, processing of the application
27 shall cease until such affidavit is received. The sign(s) shall be removed by
28 the applicant within five (5) working days after the application receives final
29 disposition. The sign shall be exempt from all sign and permit regulations.
30
31

32 **Section 100-040. Timing of public notice.**

- 33
34 (A) All advertising timeframes established in this Section shall be the minimum
35 advertising timeframes established by Florida law, as may be amended
36 from time to time.
37
38

39 **Section 100-050. Newspaper notice requirements for public hearings.**

- 40
41 (A) Newspaper advertisements for public hearings shall be provided pursuant
42 to applicable law and as specified within this Article for specific application
43 types. At a minimum, however, the Town Clerk will cause to be published
44 at least one (1) advertisement in one (1) or more newspapers of general

1 paid circulation in Broward County, and of general interest and readership
2 in the community, not one of limited subject matter.
3
4

5 **Section 100-060. Mail notice requirements for public hearings.**
6

7 (A) *Notification required.* The owners of all lands located with the Town under
8 consideration for approval of an application, and the owners of all lands
9 within the Town lying within the following prescribed distances of the
10 exterior boundaries of the application subject site, shall be notified by the
11 Town of the application and of the first meeting at which the application will
12 be considered. Mail notification of subsequent public hearings is not
13 required. Such notices shall be sent U.S. Mail, postage-paid, to the
14 persons shown upon the current tax rolls of Broward County to be the
15 respective owners unless there is actual knowledge of a subsequent
16 property owner. The mailing of such notices shall constitute service.

17 (B) *Prescribed distances for notification.* Properties located within the
18 distances prescribed below shall be notified by mail of a pending
19 application:

20 (1) Variances: One thousand (1,000) feet, except that variance requests
21 from minimum distance separations required by the ULDC shall be
22 noticed using the same distance as the request for variance.

23 (2) Appeal of an administrative decision: one thousand (1,000) feet.

24 (3) Rezoning: one thousand (1,000) feet.

25 (4) Future Land Use Plan Map Amendment: one thousand (1,000) feet.

26 (5) Site Plans: one thousand (1,000) feet.
27
28

29 **Section 100-070. Inaction deemed withdrawal.**
30

31 Inaction by an applicant exceeding one-hundred eighty (180) days during the
32 application review process, including failure to supply additional information the
33 Town deems necessary for continued review and failure to submit revisions in
34 response to Town development review comments, shall be deemed a
35 withdrawal of the application, unless the applicant files a request for extension.
36 The Town may approve a request for extension not to exceed ninety (90) days,
37 only upon a determination the applicant has been making a diligent effort to
38 proceed with the application review and approval process but has been
39 hampered by extenuating circumstances. Applications that are deemed
40 withdrawn shall be subject to any reapplication fee determined by the Town for
41 such applications, and shall include resubmittal of an application and all other
42 required application documents. An applicant's written request to proceed to the

1 Town Council for a public hearing on the basis that the applicant believes the
2 submittal complies with the ULDC shall not be considered inaction.
3
4

5 **Section 100-080. Time limitation on filing of requests to amend**
6 **conditions of development orders.**
7

8 Whenever the Town Council has taken action to deny a request for a
9 development order or a change to the condition of a development order, the
10 Town shall not accept the same or substantially the same request for a change
11 to the condition of the development order for a period of twelve (12) months from
12 the date of the denial by the Town Council. The above time limit may be waived
13 by the Town Council by an affirmative vote of a super majority of
14 Councilmembers, when the Council deems such action necessary due to
15 changed circumstances, to prevent an injustice or to facilitate the proper
16 development of the Town based upon evidence provided by the applicant.
17
18

19 **Section 100-090. Violation of development order conditions.**
20

21 An application for a development permit may be deferred, denied, or approved
22 with appropriate conditions, when the property is in violation of a condition of a
23 previously approved development order (see Sec. 005-0240 of this same title).
24
25

26 **ARTICLE 105. QUASI-JUDICIAL HEARINGS.**
27
28

29 **Section 105-010. Scope and applicability.**
30

31 These procedures shall apply to all quasi-judicial hearings held by the Town
32 Council or by any Board or Committee which holds quasi-judicial hearings. The
33 Town Attorney shall determine which matters are quasi-judicial in nature and
34 shall direct the Town Clerk or its designee to designate specially such matters
35 on the agenda. However, if a quasi-judicial hearing is held, it shall not be
36 construed as an admission that the application was quasi-judicial, rather than
37 legislative.
38
39

40 **Section 105-020. Definitions.**
41

- 42 (A) Applicant means the owner of record, the owner's agent, representative, or
43 any person with a legal or equitable interest in the property which is the
44 subject of the proceeding. Proof of Applicant status must be furnished to
45 the Town prior to the proceeding.
46

- 1 (B) Board means the Town Council or any other board or committee
2 established by the Town that hears quasi-judicial matters.
3
- 4 (C) Board Member means any individual serving on the Board.
5
- 6 (D) Ex-parte communication means any oral, written, electronic or graphic
7 communication with a Board Member which may directly or indirectly relate
8 to or which could influence the disposition of the matter, other than those
9 made on the record during a quasi-judicial hearing.
10
- 11 (E) Expert means a person who is qualified in a subject matter by knowledge,
12 skill, experience, training, and/or education.
13
- 14 (F) Independent Expert means a person who is qualified in a subject matter by
15 knowledge, skill, experience, training, and/or education who is not affiliated
16 with the Applicant or any other party, and who wishes to provide testimony
17 in the matter and have such knowledge, skill, experience and/or education
18 considered by the Board in weighing such testimony.
19
- 20 (G) Material Fact means a fact that bears a logical relationship to one or more
21 issues raised by the application or the laws and regulations pertaining to
22 the matter requested by the application.
23
- 24 (H) Participants mean members of the general public who offer unsworn or
25 sworn testimony at a Quasi-Judicial hearing for the purpose of being heard
26 on the matter.
27
- 28 (I) Party means the Applicant or any recognized Party Intervenor.
29
- 30 (J) Party Intervenor means an individual or group who, under the recognized
31 legal principals of standing can demonstrate that they will suffer an adverse
32 effect to a protected interest, such as health and safety, police and fire
33 protection service systems, densities or intensities of development,
34 transportation facilities, health care facilities, equipment or services, or
35 environmental or natural resources. The alleged adverse interests may be
36 shared in common with other members of the community at large, but must
37 exceed in degree the general interest in community good shared by all
38 persons. The Town Attorney shall determine if a person qualifies as a
39 Party Intervenor.
40
- 41 (K) Quasi-Judicial or Quasi-Judicial Matter means a proceeding that results in
42 a decision having an impact on a limited number of persons or property
43 owners, on identifiable parties and interests, where the decision is
44 contingent on a fact or facts arrived at from distinct alternatives presented
45 at a hearing, and where the decision can be viewed as the result of
46 application of policy rather than setting of policy.

- 1
2 (L) Relevant Evidence means evidence tending to prove or disprove a fact that
3 is material to the Board's determination.
4
5 (M) Staff means any person having a contractual relationship with the Town,
6 except the Town Attorney.
7
8 (N) Town means the Town of Southwest Ranches
9
10 (O) Witness means a person who testifies under oath.
11
12

13 **Section 105-030. Ex-parte communications; presumptions.**
14

- 15 (A) Access Permitted. Unless otherwise prohibited by state statute or a Town
16 Ordinance, in accordance with Section 286.0115(1), Florida Statutes, as
17 may be amended from time to time, Ex-parte communication with any
18 Board Member about Quasi-Judicial Matters is permissible provided that
19 the following procedures are observed. Adherence to the following
20 procedures shall remove the presumption of prejudice arising from the Ex-
21 parte Communication:
22
23 (1) Oral Communication. The substance of any Ex-parte
24 communication with the Board Member which relates to Quasi-
25 Judicial action pending before the Board Member is not presumed
26 prejudicial to the action if the subject of the communication and the
27 identity of the person, group or entity with whom the communication
28 took place is disclosed in public and made a part of the record
29 before final action on the matter.
30
31 (2) Written Communication. A Board Member may read a written
32 communication from any person. However, a written communication
33 that relates to Quasi-Judicial action pending before the Board
34 Member shall not be presumed prejudicial to the action if the subject
35 of the written communication is disclosed in public and made part of
36 the record before final action on the matter.
37
38 (3) Investigations and Site Visits. A Board Member may conduct
39 investigations and site visits and may receive Expert opinions
40 regarding pending Quasi-Judicial Matters. Such activities shall not
41 be presumed prejudicial to the action if the existence of the
42 investigation, site visit, or Expert opinion is made part of the record
43 before final action on the matter.
44
45 (B) Disclosure. Disclosures pursuant to the foregoing must be made before
46 or during a public meeting at which a vote is taken on such matter, so that

1 persons who have opinions contrary to those expressed in the Ex-parte
2 communication are given a reasonable opportunity to refute or respond to
3 the communication.
4

- 5 (C) Failure of any official to comply with this section does not constitute a
6 violation of Chapter 112, Florida Statutes, as may be amended from time
7 to time.
8
9

10 **Section 105-040. General procedures.**
11

- 12 (A) Prior to being placed on the Town's agenda, the Applicant, in support of
13 their application, shall submit to the Town a detailed outline of how they
14 satisfy the Code's criteria and requirements, copies of all exhibits that
15 which will be presented at the hearing, and the names and addresses of
16 all witnesses who will be called to testify in support of the application.
17 Resumes shall also be furnished for all witnesses the Applicant intends to
18 qualify as an expert. No written materials will be accepted by the Board
19 at the hearing on the matter unless, in the Board's discretion, acceptance
20 is necessary to decide the issue.
21
22 (B) At least seven days before a Quasi-Judicial hearing, Staff shall prepare a
23 report, recommendation and, if necessary, will include additional
24 supporting materials upon which Staff's recommendation is based. A copy
25 of Staff's materials shall be readily available for examination at the Town
26 Clerk's Office. A copy of Staff's resumes and expert qualifications shall
27 remain on file with the Town.
28
29 (C) The requirements above are necessary to ensure the Board is given
30 sufficient opportunity to review the written submissions prior to the hearing,
31 and shall be strictly observed. Failure to comply with these requirements
32 shall result in an item being continued until the next available agenda.
33

1
2 **Section 105-050. Party intervenor.**
3

4 (A) The Town Attorney may allow a person to intervene as a Party Intervenor if
5 they meet the following requirements:
6

- 7 (1) The individual or group, under the recognized legal principals of
8 standing can demonstrate that they will suffer an adverse effect to a
9 protected interest, such as health and safety, police and fire
10 protection service systems, densities or intensities of development,
11 transportation facilities, health care facilities, equipment or services,
12 or environmental or natural resources. The alleged adverse
13 interests may be shared in common with other members of the
14 community at large, but must exceed in degree the general interest
15 in community good shared by all persons.
16
- 17 (2) At least three days prior to the hearing, the individual or group shall
18 submit a written request to the Town to intervene and to be given
19 Party Intervenor status. Said request shall include a detailed outline
20 of their interest in the application and argument in favor or against the
21 application, copies of all exhibits which will be presented at the
22 hearing and the names of all witnesses who will be called to testify on
23 their behalf. Resumes shall also be furnished for all witnesses who
24 are intended to be qualified as an expert.
25
- 26 (3) The Party Intervenor shall provide copies of all submitted materials to
27 all Parties known at the time of submission. A certificate of service
28 stating that each party has been provided the documentation must
29 accompany its submission.
30
- 31 (4) Any applications received or requests made for Party Intervenor
32 status that are not submitted at least three (3) business days prior to
33 hearing on the matter, may be recognized by the Town Attorney upon
34 a showing of good cause. If a late appearance is permitted, the
35 Applicant shall have the right to a continuance, without additional
36 cost. Persons who do not demonstrate good cause are not entitled to
37 seek delay in the proceedings.
38
39

40 **Section 105-060. Independent expert witness.**
41

42 (A) Application as Independent Expert Witness. No later than three (3)
43 business days prior to a hearing on the matter, an individual seeking status
44 as an Independent Expert Witness in the matter, shall submit a Request for
45 Recognition as Expert to the Town Clerk. Such application shall set forth
46 the area in which the individual seeks to provide expert testimony and

1 information regarding the individual's knowledge, skill, experience, training,
2 and/or education sufficient to determine his or her qualifications. A resume
3 and/or curriculum vitae may be attached. Eligibility shall be based on
4 adequacy of knowledge, skill, experience, training and/or education in the
5 subject matter for which expert status is sought. Nothing in this provision
6 shall prohibit an individual, as a member of the general public who is not
7 sworn and/or certified as an Independent Expert, from providing testimony
8 based on a specific knowledge and/or expertise. The testimony of such
9 person shall be weighed in accordance with the provisions of this chapter
10 for other members of the general public. Recognition as a Party Intervenor
11 or Independent Expert by one governing body does not automatically
12 provide such status before the Board.
13

- 14 (B) Any application received or request made to be given Independent Expert
15 witness status that is not submitted at least three (3) business days prior
16 to hearing on the matter, may be recognized by the Town Attorney upon a
17 showing of good cause. If a late appearance is permitted, the Applicant
18 shall have the right to a continuance, without additional cost. Persons
19 who do not demonstrate good cause are not entitled to seek delay in the
20 proceedings.
21

22
23 **Section 105-070. Conduct of hearing.**
24

- 25 (A) The Town Attorney, or designee, shall conduct the proceedings and
26 maintain order.
27
28 (B) The Town Attorney, or designee, shall call the proceeding to order and shall
29 announce whether or not the hearing has been properly advertised in
30 accordance with state law.
31
32 (C) The Town Attorney, or designee, shall explain the rules concerning
33 procedure, testimony, and evidence.
34
35 (D) The Town Attorney, or designee, shall swear in all individuals and
36 witnesses desiring to provide sworn testimony on the matter. The board
37 shall not assign such unsworn or unqualified testimony the same weight or
38 credibility in its deliberations.
39
40 (E) The Town Attorney, or designee, shall request that the Applicant, and, if
41 applicable, any individual, or group that has applied for Party Intervenor or
42 Expert status place their name on the record. The Town Attorney shall then
43 state for the record whether such status should be recognized by the Board
44 for the purpose of the current proceeding.
45

1 (F) The Town Attorney, or designee, shall poll each member of the Board
2 regarding any Ex-parte communications. Any member who responds
3 affirmatively shall specify those matters set forth in Section 105-030 above.
4

5 (G) Order of Proof:
6

7 (1) A representative of Town Staff shall briefly describe the Applicant's
8 request, introduce and review all relevant exhibits and evidence,
9 report Staff's recommendation, and present any testimony in support
10 of Staff's recommendation. Staff shall have a maximum of thirty (30)
11 minutes to make their full presentation, including an opening
12 statement and direct presentation by witnesses, but excluding any
13 cross-examination or questions from the Board. The presentation of
14 the case in chief for the Staff will then be considered closed, except
15 for rebuttal as provided herein.
16

17 (2) Any Party Intervenor shall present evidence and testimony in support
18 of or opposed to the application. A Party Intervenor shall have a
19 maximum of thirty (30) minutes to make a full presentation, including
20 an opening statement and all direct presentation by witnesses, but
21 excluding any cross-examination or questions from the Board. The
22 presentation of the case in chief for the Party Intervenor will then be
23 considered closed, except for rebuttal as provided herein.
24

25 (3) Any Independent Expert in opposition to the application shall present
26 evidence and testimony. An Independent Expert shall have a
27 maximum of five (5) minutes to testify excluding any cross-
28 examination or questions from the Board.
29

30 (4) The Applicant has the burden of proof and shall present evidence and
31 testimony in support of the application. Applicant shall have a
32 maximum of thirty (30) minutes to make a full presentation, including
33 an opening statement and all direct presentation by witnesses, but
34 excluding any cross-examination or questions from the Board. The
35 presentation of the case in chief for the Applicant will then be
36 considered closed, except for rebuttal as provided herein.
37

38 (5) Any Independent Experts in support of the application shall present
39 evidence and testimony. An Independent Expert shall have a
40 maximum of five (5) minutes to testify excluding any cross-
41 examination or questions from the Board.
42

43 (6) Any other persons present who wish to submit relevant information to
44 the Board shall speak next for a maximum of three minutes.
45 Presidents or representatives of Town recognized Home Owners or
46 Civic Associations may speak for an additional two (2) minutes if they

1 are speaking on behalf of the Association. Speakers shall not transfer
2 their time to any other speaker. Members of the public will be
3 permitted to present their non-expert opinions, but the Board will be
4 expressly advised that public sentiment is not relevant to the decision,
5 which must be based only upon competent substantial evidence.
6 Participants who are members of the general public need not be
7 sworn and will not be subject to cross-examination if they are not
8 sworn. However, the Board shall not assign unsworn testimony the
9 same weight or credibility as sworn testimony in its deliberations. Any
10 and all cross-examination or questions from the Board shall not be
11 considered part of that person's time.
12

13 (7) The Applicant will be permitted to make a final argument, if any for a
14 maximum of five (5) minutes. The Applicant's final argument shall
15 refer only to facts admitted into evidence. The Board shall disregard
16 arguments that refer to facts not in evidence.
17

18 (8) The Party Intervenor will be permitted to make final comments, if any
19 for a maximum of five minutes. The Party Intervenor's final argument
20 shall refer only to facts admitted into evidence. The Board shall
21 disregard arguments that refer to facts not in evidence.
22

23 (9) The Town Staff will be permitted to make final comments, if any for a
24 maximum of five (5) minutes. The Town Staff's final argument shall
25 refer only to facts admitted into evidence. The Board shall disregard
26 arguments that refer to facts not in evidence.
27

28 (10) At the discretion of the Town Attorney, the Applicant may be permitted
29 to respond to the final comments of the Party Intervenor and the Town
30 Staff for a maximum of three (3) minutes.
31

32 (H) The Town attorney will advise the Board as to the applicable law and the
33 factual findings that must be made to approve, approve with conditions, or
34 deny the application.
35

36 (I) The hearing will then be turned over to the Board for open deliberation of
37 the application. The presiding officer shall have the discretion to reopen
38 the proceeding for additional testimony or argument by the Parties. All
39 decisions by the Board shall be based on the evidence presented to the
40 Board including, but not limited to, the materials in the agenda back-up,
41 testimony of all witnesses, any documentary and demonstrative evidence
42 and visual aids presented. Each Board Member shall weigh all the
43 competent material and relevant evidence presented, giving each piece of
44 evidence the weight the Board Member sees fit. After deliberations, a
45 vote shall be taken to approve, approve with conditions, or deny the
46 application. When approving an application, the Board must ensure that

1 there is competent substantial evidence in the record to support its
2 decision and that the Applicant has satisfied the applicable criteria in the
3 Town's Code.
4

5
6 **Section 105-080. Time allotment.**
7

8 Not withstanding anything contrary contained herein, the Board may place
9 further limitations on or modifications to the time allotments, provided that the
10 Town Attorney agrees that said limitations or modifications does not effect the
11 Party's or the public's right to due process.
12

13
14 **Section 105-090. Examination by the board and town attorney.**
15

16 The Board and the Town Attorney may ask questions of persons presenting
17 testimony and evidence at any time during the proceedings.
18

19
20 **Section 105-100. Cross-examination**
21

22 (A) After each witness testifies, the Town Staff, a Party Intervenor, and the
23 Applicant, shall be permitted to question the witness. Such cross-
24 examination shall be limited to matters about which the witness testified
25 and shall be limited to five (5) minutes per side. Members of the public
26 will not be permitted to cross-examine witnesses. Cross-examination
27 shall be permitted only as would be permitted in a Florida court of law.
28

29 (B) The Town Attorney may direct the Party conducting the cross-examination
30 to stop a particular line of questioning that:
31

32 (1) Merely harasses, intimidates or embarrasses the individual being
33 cross-examined; or
34

35 (2) Is not relevant and is beyond the scope of the facts alleged by the
36 individual being cross-examined.
37

38 (C) If the a Party conducting the cross-examination continuously violates
39 directions from the Town Attorney to end a line of questioning deemed
40 irrelevant and/or merely designed to harass, intimidate and embarrass the
41 individual, the Town Attorney may terminate cross-examination.
42

43 **Section 105-110. Evidence.**
44

45 (A) The formal rules of evidence shall not apply, but fundamental due process
46 shall be observed and govern the proceedings.

- 1
2 (B) All evidence of a type commonly relied upon by reasonably prudent
3 persons in the conduct of their affairs shall be admissible, regardless of
4 whether such evidence would be admissible in court.
5
6 (C) Evidence or testimony which is not relevant, material or competent, or
7 testimony which is unduly repetitious or defamatory should be excluded.
8 The Town Attorney shall determine the relevancy of evidence.
9
10 (D) Documentary evidence may be presented in the form of a copy or the
11 original, if available. Upon request, the Staff, or any Party shall be given
12 an opportunity to compare the copy with the original.
13
14 (E) Hearsay evidence may be used for the purpose of supplementing or
15 explaining other evidence, but it shall not be sufficient by itself to support a
16 finding unless it would be admissible over objection in a Florida court.
17
18

19 **Section 105-120. Judicial notice.**
20

21 The Board shall take judicial notice of all state and local laws, ordinances and
22 regulations and may take judicial notice of such other matters as are generally
23 recognized by the courts of the State of Florida.
24
25

26 **Section 105-130. Statements of counsel.**
27

28 Statements of counsel, or any non-attorney representative shall only be
29 considered as argument and not testimony unless counsel or the representative
30 is sworn in and the testimony is based on actual personal knowledge of the
31 matters which are the subject of the statements.
32
33

34 **Section 105-140. Continuances and deferrals.**
35

- 36 (A) The Board shall consider requests for continuances made by Staff, the
37 Applicant, or a Party Intervenor and may grant continuances in its sole
38 discretion. Generally, as a courtesy, one continuance shall be granted if
39 requested by Staff or the Applicant. If, in the opinion of the Board, any
40 testimony or documentary evidence or information presented at the hearing
41 justifies allowing additional time to research or review in order to properly
42 determine the issue presented, then the Board may continue the matter to
43 a time certain to allow for such research or review. A request for a
44 continuance for the purpose of additional research and review may be
45 granted upon a showing of good cause.
46

1 (B) No additional notice shall be required if a hearing is continued to a fixed
2 date, time and place.
3

4
5 **Section 105-150. Supplementing the record.**
6

7 Supplementing the record after the hearing is prohibited, unless pursuant to the
8 following conditions:
9

10 (A) After continuation of a hearing, but prior to the final action being taken.
11

12 (B) If a question is raised by the Board at the hearing to which an answer is not
13 available at the hearing, the Party to whom the question is directed may
14 submit the requested information in writing to the Board after the hearing,
15 provided the hearing has been continued or another hearing has been
16 scheduled for a future date and no final action has been taken by the
17 Board. The Board will specifically identify the question to which a response
18 is required. No additional information will be accepted.
19

20 (C) All supplemental information shall be filed with the Town Clerk no later than
21 three (3) days prior to the continued or next scheduled hearing and shall be
22 subject to the provisions of Section 105-030 above.
23

24
25 **Section 105-160. Transcription of hearing**
26

27 (A) The Town Clerk shall preserve the official transcript of the hearing through
28 a digital or tape recording and/or video recording.
29

30 (B) Any person may arrange, at their sole expense for a court reporter to
31 transcribe the hearing.
32

33 (C) If any person, at their sole expense, decides to order a transcription of the
34 hearing in its verbatim, written form, that transcription shall become the
35 official transcript.
36

37
38 **Section 105-170. Appeals.**
39

40 An appeal from a decision of the Board shall be as provided by law.
41

1
2 **Section 105-180. Maintenance of evidence and other documents.**

3
4 The Town Clerk shall maintain all of the evidence and documents presented at
5 the hearing. Said evidence and documents may be maintained in electronic
6 form.
7

8
9 **Section 105-190. False testimony.**

10
11 Any willful false swearing on the part of any witness or person giving Evidence
12 before the Board as to any material fact in the proceeding shall be deemed to be
13 perjury and shall be punishable in the manner prescribed by law for such
14 offense.
15

16
17 **Section 105-200. Failure of applicant to appear.**

18
19 If a Party or their representative fails to appear at the time fixed for the hearing,
20 and such absence is not excused by the Board, the Board may proceed to hear
21 the evidence and render a decision thereon in absentia.
22

23
24 **Section 105-210. Subpoena power.**

25
26 The Town, the Applicant, or a Party Intervenor shall be entitled to compel the
27 attendance of witnesses through the use of subpoenas. All such subpoenas
28 shall be issued by the Town Clerk upon written request.
29

30
31 **ARTICLE 110. CONCURRENCY REVIEW.**

32
33
34 **Section 110-010. Applicability.**

35
36 (A) All applications for a development permit for development of vacant land, or
37 an increase in density or nonresidential building area on improved land, or
38 a change in use, shall be subject to an adequacy determination for the
39 amount of additional demand created by the proposed development or
40 increase in intensity of use, unless there was a previously approved site
41 plan, plat or building permit for which the proposed level of development
42 was previously evaluated, and a valid (non-expired) finding of adequacy
43 made, or the application qualifies for one of the following exceptions:
44

- 45 (1) Development orders or rights determined to be vested pursuant to a
46 judicial determination or pursuant to Article 150, "Vested Rights."

(2) A valid and approved Development Order which was final as of November 14, 1989, under the provisions of Chapter 380, Florida Statutes.

(3) The proposed development is a government facility the Town Council finds is essential to the health or safety of persons residing in or using previously approved or existing development.

(B) For purposes of adequacy determinations involving previously improved land, for the purpose of vesting the impact of "existing development," the term shall be construed to include vacant structures, and previous development demolished no earlier than eighteen (18) months previous to the date of application submittal for a plat, site plan, or building permit, as applicable.

Section 110-020. Timing of adequacy determination.

Adequacy determination for Town roads and parks, drainage, solid waste, water and wastewater shall be made at the earliest of plat approval or plat note amendment, site plan approval or building permit. However, solid waste, water and wastewater capacity shall not be reserved until time of building permit application, and finding of adequacy at time of plat, plat note amendment or site plan shall not be construed as a reservation of capacity.

Section 110-030. Expiration of findings of adequacy.

Findings of adequacy made by the Town of Southwest Ranches shall expire three (3) years after the date a development order or development permit (in the case of a plat or site plan approval) making such a finding is issued. The Town shall have no responsibility to notify an applicant of pending adequacy determination expiration. The Broward County Land Development Code provides for expirations of adequacy determinations made by Broward County for the regional road network.

Section 110-040. Determination of capacity.

(A) The Town Administrator shall not issue a finding of adequacy for any development unless determining that planned and committed improvements have sufficient capacity to provide the adopted Level of Service for all existing, permitted projects and the proposed development. Except as further defined below, the available capacity of a facility shall be determined by:

1
2 (1) Adding together:
3

- 4 a. The total capacity of existing facilities; and
5
6 b. The total capacity of new facilities that will become available
7 concurrent with the impact of development. The capacity of new
8 facilities may be counted only if one or more of the following is
9 shown:
10
11 1. The necessary facilities are in place at the time a
12 development order is issued, or a plat or site plan are
13 approved subject to the condition that the necessary facilities
14 will be in place when the impacts of development occur.
15
16 2. Construction of the new facilities is under way at the time of
17 the application.
18
19 3. The new facilities are the subject of a binding, executed
20 contract for the construction of the facilities to be constructed
21 within a period of time as stipulated in the contract, or the
22 provision of services at the time the development permit is
23 issued.
24
25 4. The new facilities have been included in either the Town,
26 Broward County or applicable agency capital improvement
27 program annual budgets.
28
29 5. The new facilities are guaranteed at a specific time in an
30 enforceable development agreement. An enforceable
31 development agreement may include, but is not limited to,
32 development agreements pursuant to Section 163.3220, F.S.,
33 as may be amended from time to time, or an agreement or
34 development order issued pursuant to Chapter 380, F.S.
35 Such facilities must be consistent with the capital
36 improvements element of the Town's Comprehensive Plan
37 and approved by the Town and/or County Engineer, as
38 applicable.
39
40 6. The developer has contributed funds to the Town and/or
41 county, as necessary to provide new facilities consistent with
42 the capital improvements element of the Town and/or county
43 comprehensive plan. Commitment that the facilities will be
44 built must be evidenced by an appropriate budget
45 amendment and appropriation by the Town and/or county or
46 other government entity.

- 1
2 (2) Subtracting from that number the sum of:
3
4 a. The design demand for the service created by existing
5 development; and
6
7 b. The new design demand for the service (by phase or
8 otherwise) that will be created concurrent with the impacts of
9 the proposed development by the anticipated completion of
10 other presently approved developments.
11
12 (3) Consistent with the Town of Southwest Ranches Comprehensive
13 Plan, recreation and open space facilities necessary to serve a
14 development must be in place within one (1) year from the date of
15 issuance of a certificate of occupancy, provided that the acreage is
16 dedicated or has been acquired, or funds are committed for same,
17 prior to issuance of the certificate of occupancy.
18
19

20 **Section 110-050. Presumption of maximum impact.**
21

- 22 (A) For the purpose of implementing this Article, a proposed development shall
23 be presumed to have the maximum impact permitted under applicable land
24 development regulations in the absence of a complete site development
25 plan application, deed or plat restrictions.
26
27 (B) If an application for a building permit provides for more intensive use than
28 that indicated when the finding of adequacy was made, the application shall
29 be reevaluated for concurrency.
30
31

32 **Section 110-060. Transportation concurrency.**
33

- 34 (A) *Levels of service (LOS).*
35
36 (1) For the purpose of issuing development permits, LOS "D" is the
37 minimum acceptable LOS for local road segments.
38
39 (2) Broward County makes all adequacy determinations for the regional
40 roadway network.
41
42 (B) *Measurement of capacities.* The procedure for the initial measuring of
43 highway capacities is the Florida DOT Table of Generalized Daily Level-of-
44 Service Maximum Volumes made available to local government for use
45 from January 1996, as may be amended from time to time. The
46 measurement of capacity may also be determined by substantiation in the

1 form of engineering studies or other data. Traffic analysis techniques must
2 be technically sound and justifiable as determined by the Town Engineer.

3
4 (C) *Dedication of right-of-way.* The Trafficways on the Broward County
5 Trafficways Plan abutting the development site and any public or private
6 right-of-way for local streets abutting the site necessary to comply with the
7 Town's minimum right-of-way requirement, shall be conveyed to the public
8 by dedication on the face of a plat, by deed or grant of easement, at the
9 discretion of the Broward County or the Town, as applicable.

10
11 (D) Access to a Trafficway, including parcel access and new street
12 connections, shall be approved by the Broward County Engineering
13 Division.

14
15 (E) *Access to non-trafficway collector roads.* A non-vehicular access line shall
16 be placed along the right-of-way with one or more access openings as
17 approved by the Town Engineer.

18
19
20 **Section 110-070. Adequacy of Water Management.**

21
22 (A) The proposed development shall be designed to provide adequate areas
23 and easements for the construction and maintenance of a water
24 management system to serve the proposed development and adjacent
25 rights-of-way in a manner which conforms to the applicable water
26 management review and permitting authority over the area.

27
28 (B) In addition to (A) above, the development order for a building permit shall
29 require the applicant to demonstrate, prior to the issuance of the building
30 permit within the development, that the following levels of service
31 standards, where applicable, will be met prior to the issuance of a
32 certificate of occupancy:

33
34 (1) *Road protection.* Residential streets not greater than fifty (50) feet
35 wide, inclusive of private or public right-of-way, shall have crown
36 elevations equal to the elevation for the respective area depicted on
37 the ten-year "Flood Criteria Map." Streets with rights-of-way greater
38 than fifty (50) feet wide shall have an ultimate edge of pavement no
39 lower than the elevation for the respective area depicted on the ten
40 (10) year "Flood Criteria Map."

41
42 (2) *Buildings.* The lowest floor elevation for buildings shall be no lower
43 than the elevation for the respective area depicted on the Broward
44 County "One hundred (100) year Flood Elevation Map," which is eight
45 (8) feet above mean sea level for the Town of Southwest Ranches, as
46 well as the floodplain protection requirements within the Town Code.

- 1
2 (3) *Off-Site Discharge*. Off-site discharge is not to exceed the inflow limit
3 of South Florida Water Management District primary receiving canal or
4 the local conveyance system, whichever is less.
5
6 (4) *Storm sewers*. The design frequency applicable to storm sewers is the
7 three (3) year rainfall intensity of the State Department of
8 Transportation Zone Ten (10) rainfall curves or the Town's adoption of
9 the Master Tertiary Drainage Plan requirements, as determined by the
10 Town Engineer.
11
12 (5) *Flood plain routing*. Calculated flood elevations based on the ten (10)
13 year and one hundred year (100) return frequency rainfall of three (3)
14 day duration shall not exceed the corresponding elevations of the ten
15 (10) year "Flood Criteria Map" and the "One hundred (100) Year Flood
16 Elevation Map."
17
18 (6) *Antecedent water level*. The antecedent water level is the higher
19 elevation of either the control elevation or the elevation depicted on
20 the map "Average Wet Season Water Levels," or as required by the
21 local drainage district.
22
23 (7) *On-site storage*. Minimum capacity above antecedent water level and
24 below flood plain routing elevations shall be design rainfall volume
25 minus off-site discharge occurring during design rainfall.
26
27 (8) *Best management practices (BMP)*. Prior to discharge to surface or
28 ground water, BMP's will be used to reduce pollutant discharge.
29
30 (9) Additionally, development shall be designed to remove stormwater
31 from non-water-management areas, within seventy-two (72) hours of
32 the end of the ten (10) year three (3) day design rainfall.
33
34

35 **Section 110-080. Adequacy of potable water service.**
36

- 37 (A) Potable water service must be available prior to occupancy to provide for
38 the needs of the proposed development. Potable water service includes
39 publicly and privately owned water treatment facilities and wells on
40 individual parcels which will provide for the needs of the proposed
41 development. The proposed development shall be designed to provide
42 adequate areas and easements which may be necessary to the installation
43 and maintenance of a potable water distribution system which will meet all
44 applicable building, health, and environmental regulations, including the
45 applicable provisions of the Florida Administrative Code.
46

(B) A finding that potable water service is available must be based upon a demonstration that an existing water treatment facility has sufficient capacity to provide for the potable water needs of the application and for other developments in the service area which are occupied, available for occupancy, for which building permits are in effect or for which potable water treatment capacity has been reserved. If potable water service is not available, but will be made available, any development order shall be conditioned on such availability. A finding that potable water service will be made available must be based upon a demonstration that there is a fiscally feasible plan to construct or expand a water treatment facility which will have sufficient capacity to provide for the potable water needs of the development proposed by the application prior to issuance of certificates of occupancy for that development and for other developments in the service area, which are occupied, available for occupancy, for which building permits are in effect or for which potable water treatment capacity has been reserved.

(C) In addition to (A) and (B) above, proposed developments must comply with the adopted level of service standards listed in Table 110-1 and:

- (1) Where a central potable water distribution is required, the system, which will be provided, shall conform to sound standards and principles of sanitary engineering.
- (2) Where a central potable water distribution system is not required, a complete individual potable water supply system will be provided which complies with all applicable State of Florida regulations regarding on-site wells.

Table 110-1. Potable water service usage standards.

Level of Service	
Standard Capacity	
Facility Type	(Gallons per Day)
Residential:	
Per capita (other than single family) . .	100.0
Per single family unit	350.0
Retail:	
Per square foot	0.1
Office:	
Per square foot	0.2
Other Nonresidential per capita:	20

Section 110-090. Adequacy of wastewater treatment and disposal services.

- (A) Wastewater treatment and disposal services must be available prior to occupancy to provide for the needs of the proposed development. The proposed development shall be designed to provide adequate areas and easements that may be necessary for the installation and maintenance of a wastewater disposal system that will meet all applicable health and environmental regulations.
- (B) A finding that wastewater treatment and disposal services are available must be based upon a demonstration that a private, on-site system, approved by the Broward County Health Department, will be installed within each plot prior to issuance of a Certificate of Occupancy, or that an existing wastewater treatment and disposal facility has sufficient plant and network capacity to provide for the wastewater treatment and disposal needs of the development proposed by the application and for other developments in the service area which are occupied, available for occupancy, for which building permits are in effect or for which wastewater treatment or disposal capacity has been reserved. If existing capacity is unavailable, conditional approval may be granted if it is shown that there is a fiscally feasible plan to construct or expand a wastewater treatment and disposal facility which will have sufficient plant and network capacity to provide for the treatment and disposal needs of the development proposed by the application prior to the issuance of certificates of occupancy for that development, and for other developments in the service area which are occupied, available for occupancy, for which building permits are in effect or for which wastewater treatment or disposal capacity has been reserved. This determination of adequacy shall be based upon the standards of the Broward County Department of Planning and Environmental Protection except the Town Council may, where it deems appropriate, rely upon the standards of the service provider.
- (C) In addition to the requirements in (A) and (B) above, where the Town is the service provider, proposed developments must comply with the adopted level of service standards listed in Table 110-2, below, or as required by another governing utility. Where a central wastewater collection system is required, the system which will be provided shall conform to sound standards and principles of sanitary engineering.

Table 110-2. Sanitary sewer service level of service standards.

Design Flow per Unit Facility Type	in Gallons per Day
Assembly Halls: Per seat	2
Bar and cocktail lounges: (No food service) Per seat	20
Barber and Beauty Shops: Per dry service chair Per wet service chair	100 200
Camps: Day, no food service Luxury resort, per person Labor, per person	25 100 100
Car Wash: Automatic type Automatic type (recycled water) Brand wash	3500 350 1750
Place of worship: Per sanctuary seat	7
Dance halls: Per person	2
Dentist, doctor offices: Per dentist or doctor Plus wet service chair	250 200
Drive-in theater:	5
Fire Station: Per bed	100
Hospital and nursing homes: Per bed space (Does not include public food service areas and offices)	210

1	Institutions:		
2	Per person (including residential staff)	100	
3			
4	Kennels:		
5	Per animal space	30	
6	Per veterinarian	250	
7			
8	Office buildings:		
9	Per square foot of floor space	.20	
10			
11	Parks (public) (with comfort stations equipped with		
12	flush toilets):		
13	Per visitor	10	
14			
15	Recreation/pool buildings:		
16	Per person (300 gallons minimum)	2	
17			
18	Residences:		
19	Single family, detached, each unit	300	
20	Hotel units, each unit	150	
21	Bedroom additions to SFR, per bedroom	150	
22	Mobile homes, each	300	
23			
24	Restaurants:		
25	Open 24-hours, per seat (including bar)	50	
26	Open less than 24-hour, per seat including bar	30	
27	Open less than 24 hours, with drive-thru window		
28	per/seat (including bar)	35	
29	Drive-ins, per space	50	
30	Carry-out facilities, per 100 square feet floor		
31	space	50	
32			
33			
34	Schools:	<u>Elementary</u>	<u>High</u>
35	Each pupil per day	10	15
36	Add for shower/pupil	5	5
37	Add for cafeteria/pupil	5	5
38	Boarding each pupil	100	100
39			
40	Service stations and auto repair shops:		
41	Per water closet	250	
42	Plus per service bay	100	
43			
44	Shopping centers and retail shops:		
45	Per square foot of floor space		
46	(no food service or laundry)	0.1	

Theaters and auditoriums:	
Indoor, per seat	5
Warehouse, mini-storage, with resident manager:	
Per square foot of floor space	.01
Plus watchman	250
Warehouses:	
Per square foot of storage space	0.1
Per Capita	20.0

Section 110-100. Adequacy of solid waste collection and disposal sites or facilities.

- (A) Solid waste collection and disposal sites or facilities shall be available prior to occupancy to provide for the needs of the proposed development at the level of service in the Table 110-3, below.
- (B) A finding that solid waste disposal sites or facilities are available must be based upon a demonstration that existing solid waste disposal sites or facilities have sufficient capacity to provide for the solid waste disposal needs of the development proposed by the application and for other developments in the service area which are occupied, available for occupancy, for which building permits are in effect or for which solid waste disposal capacity has been reserved. If existing capacity is unavailable, conditional approval may be granted if it is shown that there is an economically and fiscally feasible plan to expand solid waste disposal sites so that sufficient capacity will be available for the solid waste disposal of the development proposed by the application and for other developments in the service area which are occupied, available for occupancy, for which building permits are in effect or for which solid waste disposal capacity has been reserved.

Table 110-3. Solid waste level of service standards.

<u>Facility Type</u>	<u>Generation per Day (pounds)</u>
Residential, per unit	8.9
Industrial and commercial:	
Factory/warehouse, per 100 square feet	2

1	Office buildings, per 100 square feet	1
2	Department store, per 100 square feet	4
3	Supermarket, per 100 square feet	9
4	Restaurant, per meal per day	2
5	Drug store, per 100 square feet	5
6	School:	
7	Grade school, per room	10
8	Plus, per pupil	0.25
9	High school, per room	8
10	Plus, per pupil	0.25
11		
12	Institution:	
13		
14	Hospital, per bed	8
15	Nurse or intern home, per person	3
16	Home for aged, per person	3
17	Rest home, per person	3
18		
19		

Section 110-110. Adequacy of parks and recreation facilities.

(A) Approval of a development permit for a residential development shall require a finding that, at a minimum, three (3) acres of local park land and three (3) acres of community parkland per one thousand (1,000) potential residents is available or shall be available prior to a certificate of occupancy.

(B) In order to provide lands for parks necessary to meet the need for such parks created by additional residential development, and to provide the funds needed to develop such lands as parks, a developer must provide for such needs according to one of the following methods as determined by the Town Council to most adequately provide for the needs of a particular area:

(1) Convey land of suitable size, dimension, topography and general character to serve as a park or a substantial portion thereof which will meet park needs created by the development. The total amount of land to be dedicated either on or off the development site must equal a ratio of six (6) acres of land for every one thousand (1,000) potential residents estimated to occupy the development under the following formula:

$$\frac{6 \text{ Acres}}{1000 \text{ pop.}} \times \frac{(\quad)}{\text{No. Units}} \times \frac{(\quad)}{\text{Persons/Unit}} = \text{Acreage of dedication}$$

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Density in Dwelling Units per Gross Acre of Residential Land Area	Estimated Number of Persons per Dwelling Unit
From 0 up to 1	3.3
Over 1 up to 5	3.0
Over 5 up to 10	2.5
Over 10 up to 16	2.0
Over 16 up to 25	1.8
Over 25 up to 50	1.5

- (2) Deposit in a nonlapsing Trust Fund established and maintained by the Town an amount of money as set forth in the schedule below for each dwelling unit to be constructed within the developed area. The amount of money to be deposited for each dwelling unit to be constructed shall be as follows, and for each fiscal year after September 30, 1996, shall be adjusted on October 1 by the amount of the change reflected for the previous twelve (12) month period in the Implicit Price Deflator of the Gross National Product prepared by the United States Department of Commerce, Bureau of Economic Analysis. The fee per unit includes the three percent (3%) administrative fee.

Table 110-4. Park impact fee schedule.

Dwelling type	Bedrooms	Fee per Unit
Single-family	2 or fewer	\$269.00
	3	\$347.00
	4 or more	\$406.00
Other:	1	\$160.00
	2 or more	\$248.00

For the purpose of this Subsection, except where otherwise specified as a condition of the development order, the following presumptions shall apply:

- a. Where single-family residential development is permitted, the presumption is that four (4) bedroom dwelling units will be constructed;
 - b. Where multifamily development is permitted, the presumption is that three (3) bedroom townhouses will be constructed.
- (3) When the dedication requirements set forth in this Subsection would require the dedication of more than six percent (6%) of the gross residential area of any development, then the Town Council shall

1 grant a credit against the excess over six percent (6%) for a site which
2 is to be privately owned and maintained for the benefit of the future
3 residents of the developed area and which will serve their park,
4 recreation and open space needs. Such areas may include golf
5 courses, lakes and waterways, private parks and recreational facilities
6 and private open space areas other than the areas necessary to meet
7 setback requirements, front, rear and side yard requirements, parking
8 and landscaping requirements, and other similar areas specifically
9 required by the applicable land development regulations. Ownership
10 and maintenance of such areas to be credited must be secured by
11 appropriate documents in a form acceptable to the Council.
12

13 (4) Monies deposited by a developer pursuant to this Section shall be
14 expended within a reasonable period of time for the purpose of
15 acquiring and developing land necessary to meet the need parks
16 created by the development in order to provide a system of parks
17 which will be available to and substantially benefit the residents of the
18 developed area.
19

20 (5) The Town Council shall establish an effective program for the
21 acquisition and development of lands as parks in order to meet, within
22 a reasonable period of time, the existing need for parks, and to meet,
23 as it occurs, the need for parks which will be created by further
24 residential developments constructed after the effective date of this
25 Article. The annual budget and capital program of the Town shall
26 provide for appropriations of funds as may be necessary to carry out
27 the Town's program for the acquisition of land for parks. The funds
28 necessary to acquire lands to meet the existing need for parks must
29 be provided from a source of revenue other than from the amounts
30 deposited in the Trust Fund.
31

32 **Section 110-120. Adequacy of fire protection service.**

34 Fire protection services shall be adequate to provide an effective level of life
35 safety and property protection in all new and proposed developments, and for
36 proposed developments in existing developed areas. A finding that adequate fire
37 protection service is available shall be based upon a determination of the Fire
38 Marshal's Office that all proposed development meets the following
39 requirements:
40

41
42 (A) *Water supply.* All water supply facilities, either existing or proposed to be
43 constructed by the developer, shall be adequate to meet the fire protection
44 needs of the proposed development.
45

- (1) All proposed developments within fifteen hundred (1,500) feet of existing public water supply shall extend the public water supply to the new development.
- (2) Residential developments of fewer than ten (10) dwelling units not within fifteen hundred (1,500) feet of a public water supply may use approved alternative water supplies as determined by the Fire Marshal's Office. Approved alternative water supplies may be any one or more of the following as determined by the Fire Marshal's Office: fire wells, water tanker trucks, ground drop tanks, elevated water storage tanks, drafting site on either canal or water reservoirs, automatic fire sprinkler systems, or other equivalent methods as approved and permitted by the Fire Marshal's Office. Note: If the proposed development is adjacent to an existing development, the combined total of dwelling units shall be computed.
- (3) Residential developments of ten (10) or more contiguous dwelling units, commercial developments, industrial developments, or assembly developments, which are not within fifteen hundred (1,500) feet of a public water system shall provide an equivalent central public water supply. The equivalent central public water supply shall approximate the fire flows as indicated in the Required Fire Flow Table 110-5 below. In no case shall the water supply be less than fifty percent (50%) of the minimum fire flow required by the Table B below.

Table 110-5. Required fire flow table.

Flow at Source		Duration	
of Supply			
(gpm)	(mgd)	(Hours)	
1,000	1.44	4	
1,250	1.80	5	
1,500	2.16	6	
1,750	2.52	7	
2,000	2.88	8	
2,250	3.24	9	
2,500	3.60	10	
3,000	4.32	10	
3,500	5.04	10	
4,000	5.76	10	
4,500	6.48	10	
5,000	7.20	10	
5,500	7.92	10	
6,000	8.64	10	

1	7,000	10.08	10
2	8,000	11.52	10
3	9,000	12.96	10
4	10,000	14.40	10
5	11,000	15.84	10
6	12,000	17.28	10

7
8 The calculations of required fire flows for selected locations or
9 developments, in gallons per minute (GPM) considers such factors as
10 the construction, occupancy, exposure and communication as outlined
11 in the I. S. O. Fire Suppression Rating Schedule (Edition 6-80), as
12 may be amended from time to time.

13
14 (B) *Fire hydrants.* Fire hydrants shall be installed as an integral part of the
15 potable water system for the development within the distances described
16 below. Wherever a water line is installed within a public or private road
17 right-of-way, a fire hydrant shall be installed at intervals measured along
18 the water line in accordance with spacing distances specified below. No
19 distance shall be measured across a trafficway arterial, or collector road.

20
21 (1) Residential developments shall have hydrants installed at intervals not
22 to exceed six hundred (600) feet, with a minimum water main size of
23 six (6) inches. In no case shall the distance from any structure to a
24 permitted fire hydrant be more than half of the required interval
25 spacing distance indicated above.

26
27 (2) Commercial and industrial (non-high hazard) developments shall have
28 hydrants installed at intervals not to exceed three hundred fifty (350)
29 feet, with a minimum water main size of eight (8) inches. In no case
30 shall the distance from any structure to a permitted fire hydrant be
31 more than half of the required interval spacing distance indicated
32 above.

33
34 (3) Structures with automatic fire suppression systems or standpipes shall
35 have a fire hydrant within one hundred fifty (150) feet of the fire
36 department connection.

37
38 (4) High hazard commercial and industrial developments, such as storage
39 facilities, manufacturing operations, shopping centers, and similar
40 operations, as defined in the Florida Building Code, which have large
41 amounts of combustible or flammable products shall be required to
42 install fire hydrants and water main sizes as determined by computing
43 the required fire flow for the proposed development.

44
45 (5) All fire hydrants shall deliver the required flow with a residual pressure
46 of twenty (20) pounds per square inch.

1
2 (C) *Fire apparatus and facilities.* The applicable fire department will determine
3 the strategic locations of fire stations and availability and suitability of fire
4 apparatus and equipment within defined response areas for the proposed
5 development. In no case shall any point in a development be more than
6 four (4) miles travel distance from an existing or budgeted fire station which
7 houses the required fire department vehicles to serve the response area.

- 8
9 (1) Determination of the number and type of fire department vehicles
10 required to provide adequate fire rescue protection for the proposed
11 development and given response area shall be as outlined in the
12 I.S.O. Fire Suppression Rating Schedule (Edition 6-80), as may be
13 amended from time to time, and as specified by the responsible fire
14 department.
15

16
17 **Section 110-130. Limitation on required dedications and improvements;**
18 **money in lieu of dedications and improvements.**
19

20 (A) The Town Council shall determine the reasonable proportion of any
21 property to be developed that shall be required pursuant to this Article to be
22 granted, dedicated or reserved to the public. Such determinations shall be
23 based upon a finding of a rational relationship between the required
24 dedication, grant or reservation and the anticipated needs of the community
25 taking into account the immediate and direct impact of the proposed
26 development and the long-term impact of continued approval of additional
27 developments on necessary services and facilities in the affected
28 geographical area. Any specific dedication requirement set forth in this
29 Article shall be a general standard or guideline, and in a proper factual
30 situation may be reduced by the Town Council to comply with this
31 Subsection.
32

33 (B) The amount of money required to be deposited with the Town in lieu of
34 dedication requirements and improvements shall be determined pursuant
35 to the specific standards set forth in this Article. The use of such funds will
36 be restricted to the acquisition, expansion and development of service
37 facilities for new users, in a manner consistent with the principles set forth
38 in *Contractors & Builders Association v. City of Dunedin*, 329 So.2d 314
39 (Fla. 1976), and otherwise consistent with all requirements of the
40 Constitutions of the United States and the State of Florida and all
41 applicable laws.
42

43 The Town shall charge a three percent (3%) administrative fee based on:
44

- (1) The value of roadway improvements which developer is required to construct. This amount shall be reduced by the three percent (3%) administrative fee.
- (2) The amount of money a developer may deposit in a "road fund" in lieu of the share of the cost of improvements. This amount shall be reduced by the three percent (3%) administrative fee.
- (3) The Park Impact Fee Schedule in Table 110-4 includes the three percent (3%) administrative fee.
- (4) The value of land dedicated as a local park if required by Sec. 110-110, "Adequacy of parks and recreation facilities." This amount shall be reduced by the three percent (3%) administrative fee.

The Town shall deposit the above administrative fee in a nonlapsing Trust Fund established and maintained by the Town. Administrative fee monies deposited by the developer shall be expended for the administration and support of the impact fee program. Such administrative fee shall not be used for maintenance of the equipment.

- (C) Any monies required pursuant to this Article shall be deposited with the Town prior to the Town's second and final plat signoff, or where platting is not required, prior to the issuance of a development order for earlier of a plat note amendment, site plan or building permit, unless otherwise provided in an impact agreement entered into pursuant to Sec. 110-140, "Impact Agreements."
- (D) After building permits are issued for the total development covered by a development order previously received, if the development reflected by building permits issued is less intensive than the development that was used to compute required payment of monies, then, at the developer's request and upon appropriate proof, the Town shall pay a rebate of that portion of the monies previously paid to the Town which is proportional to the reduction in intensity. If the developer has been required by the Town Council to dedicate land, other than by a DRI development order, then the amount of such rebate shall be that portion of the Property Appraiser's assessed value of the land at the time it was dedicated or the value of the land shown by better evidence of value presented to the Town prior to the dedication which is proportional to the reduction in intensity. In either of the above cases, no rebate shall be paid by the Town if it is determined that the Town has expended any sums paid by developer as required herein in reliance on completion of the development under the development order, which determination shall be made by the Town Council.

1 (E) The construction and dedication requirements of this Article, or any monies
2 paid in lieu of such requirements, shall be considered as benefits that run
3 with the subject property. Any rights, credits or refunds that derive from
4 such construction, dedication or payments shall inure to the property for
5 which the corresponding development order was issued, unless otherwise
6 provided for in an impact agreement, as described in Sec. 110-140,
7 "Impact agreements," of this Article.

8
9 (F) When an application for a development permit is made by a governmental
10 agency for the construction of a public building, or by an independent
11 educational institution of higher learning accredited by the Southern
12 Association of Colleges and Schools which is a not-for-profit corporation
13 pursuant to Chapter 617, Florida Statutes, as may be amended from time
14 to time, and has tax exempt status pursuant to 26 U.S.C.A. 501 and
15 Chapter 196, Florida Statutes, the Town Council may waive, upon a
16 request therefor, dedications of land, payments of money in lieu thereof, or
17 other fees required by this Article if the Town Council finds that the
18 proposed building will serve a public purpose and promote the public
19 health, safety and welfare. Upon such waiver, the Town Council shall
20 identify on the record, the source of funds that will be used to pay for the
21 services or facilities that would otherwise have been paid for by such
22 dedication, payments or fees. Application fees shall not be waived.

23
24
25 **Section 110-140. Impact agreements.**
26

27 (A) In lieu of the dedication of lands, or construction of facilities, or the payment
28 of fees in lieu of dedication or construction of facilities, as calculated under
29 the specific standards of this Article, or if compliance with one (1) or more
30 sections of this Article can be insured only if the nature and scope of the
31 proposed development is identified by means other than by plat notation,
32 any applicant may propose to enter into an impact agreement with the
33 Town designed to establish just and equitable fees or their equivalent and
34 standards for service needs appropriate to the circumstances of the
35 specific development proposed. Such an agreement may include, but shall
36 not be limited to, provisions which:

37
38 (1) Specify the nature of the proposed development for purposes of
39 computing service needs generated; and may establish enforceable
40 means for ensuring that the nature of the development will be as
41 agreed;

42
43 (2) Provide an estimate of the number of persons and/or students to be
44 generated by the proposed development, which estimate may differ
45 from that set forth in this Article; provided that such estimate shall be
46 based on sufficient economic and planning data, in a form acceptable

1 to the Town, to demonstrate that a different population generation rate
2 is appropriate; and provided further that no estimate having more than
3 a fifteen percent (15%) deviation from the numerical standard set forth
4 in this Article shall be permitted except in the case of residential
5 buildings determined by the Town Council to be designed, managed
6 and controlled in such a manner as to be effectively limited to
7 occupancy by persons having no school-age children;
8

9 (3) Provide a schedule and method for payment of the fees in a manner
10 appropriate to the particular circumstances of the proposed
11 development in lieu of the requirements for depositing fees set forth in
12 Subsec. 110-130(C) of this Article, which may include a credit against
13 required fees or dedications to the extent that there is an enforceable
14 agreement between the developer and an appropriate governmental
15 agency to either convey, lease or option property at less than value,
16 which agreement meets in whole or in part the service needs
17 generated by the development; provided that the Town receive, in a
18 form acceptable to the Town Council, security ensuring the payment
19 of the fees subsequent to plat recordation, which security may be in
20 the form of a cash bond, surety bond, an irrevocable letter of credit, or
21 a lien or mortgage on lands to be covered by the development order;
22

23 (4) Provide restrictions on the use of the deposited fees that differ from
24 those set forth in Subsec. 110-130(B)(2) of this Article; provided that
25 the parties to the agreement are satisfied that the fees will be used in
26 a manner that benefits the developed area by providing new facilities
27 for new users in the Town.
28

29 (B) Any non-standard agreement or security proposed by a developer pursuant
30 to this Subsection shall be considered for approval by the Town Council.
31 Any such agreement may provide for execution by mortgagees, lienholders
32 or contract purchasers in addition to the landowner, and may permit any
33 party to record such agreement in the Official Records of Broward County.
34 The Town Council shall approve such an agreement only if it finds that the
35 agreement will apportion the burden of expenditure for new facilities in a
36 just and equitable manner, consistent with the principles set forth in
37 *Contractors and Builders Association v. City of Dunedin*, 329 So. 2d 314
38 (Fla. 1976). The Town Council may also approve standard form
39 agreements and securities which do not require individual approval by the
40 Town Council. A standard form agreement and security shall be approved
41 by the Town Attorney prior to plat recordation, recordation of an agreement
42 to place or amend the note on a plat, or the issuance of a development
43 order for a final site plan. Execution of all standard form agreements are
44 subject to Town Attorney approval.
45

1 (C) If property is replatted, and that property is subject to an existing impact
2 agreement, as described in this Section, then prior to the recordation of the
3 replat, said agreement shall be: a) satisfied; b) amended to address the replat;
4 or c) replaced by an agreement addressing the replat.
5

6 **ARTICLE 115. PLATTING AND SUBDIVISION OF LAND.**

7

8 **DIVISION 1. PLATTING**

9

10 **Section 115-010. Applicability.**

11

12 (A) No parcel of land, whether platted or unplatted, shall be subdivided unless
13 a Certificate of Conformity has been issued by the Town in accordance with
14 Division 2, "Certificate of Conformity."
15

16 (B) No application for a building permit for the construction of a principal
17 building on a parcel of land in the Town shall be granted unless a plat
18 including such parcel of land has been approved by the Town Council,
19 where applicable, and the Broward County Commission, and recorded in
20 the Official Records of Broward County subsequent to June 4, 1953, which
21 commences with Plat Book 32, page 15, Official Records of Broward
22 County, Florida. The only exceptions to this mandatory platting rule are as
23 follows:
24

25 (1) *Single-family.* If the application for a building permit is for the
26 construction of a single-family dwelling unit on a plot which plot was of
27 record as such in the official records of Broward County as of March 1,
28 1989, then a building permit may be issued without platting; or
29

30 (2) *Non-residential parcel.* If the application for building permit is for
31 construction of a principal building on a nonresidential parcel which is
32 less than five (5) acres in size and the boundaries of which are
33 specifically delineated on a plat recorded on or before June 4, 1953,
34 then a building permit may be issued without platting.
35

36 (C) No agreement shall be entered into providing for the conveyance, leasing
37 or mortgaging thereof by reference solely to a plat, unless such plat shall
38 have been approved and recorded as provided herein.
39

40 (D) No conveyance, lease or mortgage or agreement to convey, lease or
41 mortgage lands in violation of the provisions of this Article shall be recorded
42 in the Public Records. Any and all such conveyances, leases or
43 mortgages, or agreements to convey, lease or mortgage, or attempts to
44 convey, lease or mortgage lands in violation of the provisions of this
45 division, made or attempted to be made hereafter, shall be void ab initio.
46

1
2 **Section 115-020. General provisions.**
3

- 4 (A) *Consistency.* An application for plat approval shall comply with the
5 applicable provisions of the elements of the Comprehensive Plan and the
6 ULDC.
7
- 8 (B) *Building permits prior to plat recordation.* The Town may allow building
9 permits to be issued for a parcel of land for which plat approval has been
10 given by the Town Council and Board of County Commissioners although
11 the plat has not yet been recorded, subject to the provisions of the Broward
12 County Land Development Code contained within Section 5-187(c),
13 "Building permits prior to plat recordation," and (d), "Essential government
14 facilities," as may be amended from time to time.
15
- 16 (C) *Depiction of Non-Contiguous Parcels of Land.* A plat shall not depict or
17 include non-contiguous parcels of land except in the following cases:
18
- 19 (1) Parcels may be separated by a right-of-way for a highway, road,
20 railroad or utility.
21
- 22 (2) Parcels may be separated by a water body or watercourse which does
23 not exceed three hundred (300) feet.
24
- 25 (3) A plat may contain up to ten (10) non-contiguous single family lots,
26 provided that such lots all have frontage on the same road or street
27 and are all within a distance of fifteen hundred (1,500) feet.
28
29

30 **Section 115-030. Supplemental submission requirements.**
31

32 In addition to the application submission requirements of Section 095-010,
33 "General application submittal requirements," all plats shall be submitted
34 consistent with the following requirements, and Chapter 177, F.S. In the case of
35 any conflict, the more restrictive provision shall apply.
36

- 37 (A) *Plat Drawing Requirements.* An application for plat approval shall be
38 accompanied by a plat drawing, the overall size of which shall be twenty-
39 four inches by thirty-six inches (24" X 36"), drawn at a standard engineering
40 scale no smaller than one inch equals one hundred feet (1" = 100') except
41 when a smaller scale is approved by the Town Administrator, and which
42 shows the following:
43
- 44 (1) Proposed subdivision name or identifying title. Such name shall not
45 be the same or in any way so similar to any name appearing on any
46 recorded plat in Broward County as would confuse the records or

mislead the public as to the identity of the subdivision, except when an existing subdivision is subdivided as an additional unit or section by the same developer or his successors in title.

- (2) A plat location sketch showing the plat in relation to a nearby intersection of two (2) arterial, collector or other well-established existing roadways.
- (3) North arrow, scale and date.
- (4) Lots and blocks of adjacent recorded plats, giving plat book and page number along with names of such plats.
- (5) All existing streets and alleys on or adjacent to the tract, including name and right-of-way width.
- (6) The legal description of the property being platted.
- (7) All existing easements and rights-of-way within the plat limits with the purpose and the instrument of record labeled.
- (8) Location and width of all proposed and required ultimate rights-of-way, alleys, easements; proposed lot lines with dimensions, public areas, and parcels of land proposed or reserved for public use.
- (9) Space for signature of the Mayor.
- (10) Space for the Town Clerk's signature and Town Seal.
- (11) Space for Community Development Director's signature.
- (12) The following language shall precede the area for the Director's signature on the plat: "The Town of Southwest Ranches agrees not to issue building permits for the construction, expansion, and/or conversion of a building within the plat until such time as the developer provides the Town with written confirmation from Broward County that all applicable impact fees have been paid or are not due."
- (13) The parcel encompassed by the legal description shown on the plat shall be clearly identified with a heavy line, and shall show dimensions, and either bearings or interior angles of said parcel with independent ties to two (2) or more land corners, or independent ties to a recorded subdivision, and one (1) land corner. When a case arises where it is impractical to tie to a land corner because of lost or destroyed monuments, and the parcel can be adequately surveyed independent of said land corners, then the following points will be

considered acceptable as land ties: Block Corners, Permanent Reference Monuments, or Permanent Control Points from a previously recorded plat. The use of these types of land ties shall be subject to approval by the Director.

- (14) Space for plat book and page number outside the border in the upper right hand corner of each page.
- (15) Notes or legend, and any tabular data or other data pertinent to the plat, on each page that contains the drawing.
- (16) Dedication and acknowledgment language.
- (17) Mortgagee approval and acknowledgment language.
- (18) All plat dimensions shall be shown accurate to one-hundredths of a foot, except for riparian boundaries, which may be shown as approximate with a witness line showing complete dimension data. Rows of lots with the same dimensions may use ditto marks providing the first and last lots in the row are appropriately dimensioned.
- (19) Computation of the square footage of each parcel of land and the acreage of the land proposed to be platted, which shall be accurate to the nearest square foot. All survey and survey information shall be certified by a registered surveyor and mapper licensed in the State of Florida.
- (20) At least two (2) benchmarks referenced to the National Geodetic Vertical Datum of 1929 or the Broward County Vertical Network in conformity with the standards adopted by the National Ocean Survey for Third Order Vertical Control. No benchmark shall be established purporting to be based on the National Geodetic Vertical Datum or the Broward County Vertical Network unless the benchmark is certified by a registered surveyor and mapper licensed in the State of Florida and such certification is shown on the plat. The benchmarks shall be of a permanent nature, easily accessible, located within, along or within two hundred (200) feet of the plat boundary and described by ties to the plat boundary. The plat shall list in the plat notes the governmental benchmark from which the plat benchmarks were established. Only benchmarks established by federal, state, county or municipal governments shall be acceptable as the starting benchmark.
- (21) The plat shall show grid bearings or azimuths, with state plane coordinates shown on all permanent reference monuments and all land ties where the plat lies within sections assigned state plane coordinates that have been recorded in the public records of Broward

County. Coordinates may be tabulated when necessary for legibility, and must appear on each page that contains the drawing. State plane coordinates shall be derived from field measurements in conformity with the Minimum Technical Standard for Land Surveying pursuant to Chapter 21, Section 21HH-6, Florida Administrative Code, adopted by the Florida Board of Land Surveyors, September 1, 1981, as may be amended from time to time.

(22) A mathematical closure of the plat boundary shall not exceed three hundredths (.03) of a foot.

(23) The Surveyor's Certificate shall state conformity with:

- a. Chapter 177, Florida Statutes.
- b. National Geodetic Vertical Datum (NGVD) and National Ocean Survey Third Order Control Standards.
- c. Applicable Sections of Chapter 21 HH-6, Florida Administrative Code.

(24) Space for approval of drainage district, special improvement district, or taxing district, as applicable.

(B) Items to accompany the plat:

(1) A conceptual access plan, drawn at a standard engineering scale no smaller than one inch equals one hundred feet (1" = 100'), except when a smaller scale is approved by the Director, which shows the following:

- a. The location of the centerline, with dimensions from known land ties, such as section lines or centerlines of right-of-way, of all proposed access locations on all public rights-of-way abutting the plat.
- b. The number and direction of lanes proposed for each driveway or roadway access location.
- c. The proposed minimum distance from the ultimate right-of-way line from the adjacent roadway to the outer edge of any interior service drive or parking space with direct access to the driveway in the access location.
- d. The proposed minimum distance from the ultimate right-of-way line from the adjacent roadway to any proposed gate location.

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- (2) A current survey, no older than six (6) months, certified by a registered Surveyor and Mapper, which shows the following:
 - a. All information necessary for preparation of the plat as required in (A), above.
 - b. The location of all existing structures, paved areas and easements on and abutting the property, including the edge of pavement of all abutting streets.
 - c. Existing roadway details adjacent to the property including rights-of-way, pavement widths, sidewalks, driveways (curb cuts), curb and gutter, turn lanes, bus bay, medians, median openings, traffic signals and signal equipment, street lights, pull boxes, utility poles and utility equipment, drainage structures, and fire hydrants.
 - (3) An application for plat approval which abuts a Trafficway that is functionally classified as a State Road and which proposes direct vehicle access to the State Road, shall also be accompanied by a valid Pre-Application approval letter from the Florida Department of Transportation issued pursuant to the "State Highway System Access Management Classification System and Standards," as may be amended from time to time.
 - (4) The original plat linen drawing prepared pursuant to Chapter 177, Florida Statutes, as may be amended from time to time, containing all items required herein, and all original signatures required for the executed dedication and acknowledgment and the executed mortgagee approval and acknowledgment shall be provided prior to Town Council consideration of the plat.
 - (5) The original signatures of the applicable drainage district shall be required on the original plat linen prior to Town Council consideration of the plat. In cases where two (2) signatures are required, the linen may be accepted with one (1) signature provided that the drainage district provides written confirmation that it will sign the plat prior to recordation.
 - (6) An original title certificate or an attorney's opinion of title with all exceptions. The title certificate or attorney's opinion of title shall:
 - a. be based upon a legal description that matches the plat.

- b. be based upon a search of the public records within forty-five (45) days of submittal.
 - c. contain the names of all owners of record.
 - d. contain the names of all mortgage holders and if there are no mortgages, it shall so state.
 - e. contain a listing of all easements and rights-of-way lying within the plat boundaries, and if there are none, it shall so state.
 - f. contain a listing of all easements and rights-of-way which abut the plat boundaries and are necessary for legal access to the plat, and if there are none, it shall so state.
- (7) A CD-ROM containing an electronic copy of the plat in final form to be considered by the Town Council, in a format acceptable to the Town Clerk, to be provided prior to Council consideration of the plat.

Section 115-040. Procedure.

- (A) At a regularly scheduled public meeting, the Town Council shall review the application for conformity to the ULDC and shall act upon the application. The Town Council shall make one of the following determinations:
- (1) That the application is in compliance with the applicable standards and minimum requirements of this Code or that vested rights exist with regard to any noncompliance, in which case the Town Council shall adopt a development order granting approval of the application;
 - (2) That the application is not in compliance with the applicable standards and minimum requirements of this Code, in which case the Town Council shall adopt a development order denying the application; or
 - (3) That the application is not in compliance with the applicable standards and minimum requirements of this Code, but conditions have been determined by the Town Council to be reasonably necessary to ensure compliance with the applicable standards and minimum requirements of this Article, and that vested rights exist with regard to any noncompliance, in which case the Town Council shall adopt a development order granting approval of the application with said conditions.
- (B) Approval shall be by resolution of the Town Council.

- 1 (C) Plats must be approved by the Broward County Commission subsequent to
2 Town Council approval before recording can occur.
3
4

5 **Section 115-050. Recording.**
6

- 7 (A) No plat shall be recorded hereafter unless it shall bear the following
8 signatures on behalf of the Town of Southwest Ranches: Mayor on behalf
9 of the Town Council, attestation by the Town Clerk, and final signoff of the
10 Town Administrator once the plat has been approved by the Broward
11 County Board of County Commissioners and the plat is in final form and
12 ready for recordation.
13
14 (B) The plat shall be recorded pursuant to Broward County Land Development
15 Code recordation requirements.
16
17 (C) *Necessary Documents and conditions.* Prior to the final Town signoff on
18 the plat, an applicant shall furnish the Town with those documents and
19 materials necessary to evidence and ensure compliance with such
20 requirements, standards, restrictions or conditions of this Article, and
21 conditions of approval, as requested by the Town. Such documents and
22 materials may include, but are not limited to, updated opinion of title, bonds
23 or other security, agreements, restrictive covenants, payment of impact
24 fees, deeds, and easements, if evidence of compliance with such
25 requirements, standards, restrictions or conditions is not appropriately
26 contained in the development order or on the plat to be recorded.
27
28 (D) *Digital Information.* Prior to recording the plat, an applicant shall furnish the
29 Town with a digital file in a format compatible with the Town's GIS/CAD
30 system.
31
32 (E) *Use of State Plane Coordinates to Identify Permanent Reference*
33 *Monuments.* Any plat being submitted in the Town in which state plane
34 coordinates are being used to identify Permanent Reference Monuments
35 (PRM) shall use the most current datum and adjustment (as of the date of
36 this ordinance the NAD 83 with the 1990 adjustment).
37
38

39 **Section 115-060. Platted Dedications.**
40

- 41 (A) All streets, alleys, easements, rights-of-way, parks, school sites and public
42 areas shown on an accepted and recorded plat, unless otherwise stated,
43 shall be deemed to have been dedicated or granted, as appropriate, to the
44 public for the uses and purposes thereon stated. Approval and execution of
45 the recorded plat by the Town Council shall constitute, unless otherwise
46 stated, an acceptance of **said offer to dedicate, grant or reserve.**

1 Reservations must be clearly indicated as such, and must include the word
2 "reservation," to whom it is reserved and for what purpose.

- 3
- 4 (B) Dedication to the public of all roads, streets, alleys and other
5 thoroughfares, however designated, shall be for the perpetual use of the
6 public for the full width of such roads, streets, alleys and other
7 thoroughfares, and shall be made by all persons having any interest in any
8 and all the lands abutting on such roads, streets, alleys or other
9 thoroughfares.

10

11 **DIVISION 2. CERTIFICATES OF CONFORMITY.**

12

13

14 **Section 115-070. Purpose.**

15

16 It shall be unlawful to subdivide land without first obtaining a Certificate of
17 Conformity from the Town specific to the proposed subdivision. Certificates of
18 Conformity are required in order to ensure that the subdivision of land satisfies
19 all zoning and land development regulations of the ULDC pertaining to plot
20 dimensions, plot area, setbacks where applicable, legal, safe and adequate
21 access, and other basic ULDC requirements.

22

23

24 **Section 115-080. Application requirements.**

25

26 The following items shall be submitted in addition to those required in Section
27 100-020, "General application submittal requirements":

28

- 29 (A) Current, sealed survey showing the entire tract to be subdivided, and the
30 delineation of the proposed lot(s), including dimensions and net and gross
31 area calculations measured both in square footage and acreage, and
32 showing all existing and proposed rights-of-way and easements.
- 33
- 34 (B) Current warranty deed.
- 35
- 36 (C) Agreements as required under Section 090-080, "Access to
37 development," fully executed by the property owner and other necessary
38 third-party signators with recording fee.
- 39

40

41 **Section 115-090. Process for review and approval.**

42

43 Review and approval shall be administrative. The Town shall issue a Certificate
44 of Conformity development order upon determination the proposed subdivision
45 satisfies all applicable ULDC requirements.

46

1 **ARTICLE 120. SITE PLAN PROCEDURES AND REQUIREMENTS.**

2
3
4 **Section 120-010. Mandatory site plan approval.**

5
6 Approval of a site plan or site plan modification is required prior to any
7 development of land in the Town, except as follows:
8

9 (A) Excavation, and the deposit and contouring of fill on land. However, a
10 permit is required under Sec. 005-080, "Permits required," prior to any
11 such activity.
12

13 (B) Development of up to four (4) single-family residences on adjacent plots if
14 all of the following conditions are met:
15

16 (1) No additional or expanded infrastructure is required or proposed in
17 connection with the proposed development, excluding sanitary sewer
18 and water line connections to existing infrastructure for service to
19 individual plots;
20

21 (2) No subdivision sign or community entry feature is proposed;
22

23 (3) No private, commonly owned and/or maintained areas are required or
24 proposed, including but not limited to, landscaping areas, recreation
25 areas, open space areas, and drainage features;
26

27 (4) The applicable drainage district does not object to the waiver; and
28

29 (5) The Town Administrator determines there is no public purpose to be
30 served by requiring site plan review and approval based upon the
31 principles contained within this Article.
32

33 (C) Administratively approved modifications to approved site plans, limited to
34 the following, provided no variance is required for the modification, that
35 the modification does not violate any condition of site plan approval, and
36 further provided that the modification does not change any verbal
37 commitment or representation from the applicant, agent or owner made at
38 the public hearing or in the application, or other understanding upon
39 which approval may have been based:
40

41 (1) Relocation or substitution of landscaping materials, except that
42 relocation or substitution of perimeter landscaping materials for
43 nonresidential uses abutting residential plots shall not be approved
44 administratively without express authorization from the Town Council
45 for a particular site plan;
46

- 1 (2) Architectural modifications, including the addition of awnings and
2 canopies.
3
4 (D) Construction of bus stop shelters.
5
6 (E) Erection of signs.
7
8 (F) Diminution in size of a structure.
9
10 (G) Demolition of a structure.
11
12 (H) Waterbody maintenance activities.
13
14 (I) Road maintenance activities. An engineering permit is required under Sec
15 005-080, "Permits required."
16
17 (J) Clearing of land. However, a permit is required under Sec 005-080,
18 "Permits required."
19
20 (K) Division of land.
21
22

23 **Section 120-020. Submission requirements.**

24
25 In addition to the application requirements contained in Sec. 100-020, "General
26 application submittal requirements, an application for site plan approval or
27 modification shall include the items and information listed below. The overall
28 size of the development plan shall be twenty-four inches by thirty-six inches (24"
29 X 36"), drawn at a scale not less than one inch equals fifty feet (1" = 50'), unless
30 a smaller scale is permitted by the Town Administrator. The Administrator may
31 waive a submittal requirement if, in the Administrator's opinion, it is not
32 necessary for proper evaluation of a proposed site plan due to the limited scope
33 of the proposal or the existence of previously submitted information that satisfies
34 a submittal requirement.
35

- 36 (A) A recent survey prepared by a Florida registered surveyor and mapper,
37 certified as to meeting the requirements of the applicable section of the
38 Florida Administrative Code, providing a legal description, including the
39 section, township and range, and reflecting existing natural features, such
40 as topography--with elevations provided on a minimum one hundred
41 (100) foot grid, including elevations of adjacent land within twenty-five
42 (25) feet of the proposed site plan, existing vegetation--including botanical
43 name, caliper and size of crown, existing paving, existing structures within
44 the subject site and on adjacent properties within one hundred (100) feet
45 of the subject site--including dimensions to property lines and use of the
46 structures, rights-of-way and easements within and abutting the

- 1 development site including the dedication instruments, and water bodies
2 including top of bank and edge of water.
3
- 4 (B) Site boundaries clearly identified, and ties-to-section corners.
5
- 6 (D) Existing and proposed land uses and existing uses of adjacent land.
7
- 8 (E) Location and height of all structures and total floor area categorized by use,
9 with dimensions to lot lines, and designations of use.
10
- 11 (F) Building separation measurements.
12
- 13 (G) Vehicular circulation system for cars, bicycles and other required vehicle
14 types, with indication of connection to public rights-of-way.
15
- 16 (H) All adjacent public and private rights-of-way and easements, with indication
17 of ultimate right-of-way line, centerline, width, pavement width, existing
18 median cuts and intersections, street light poles and other utility facilities
19 and easements.
20
- 21 (I) Pedestrian circulation system.
22
- 23 (J) Provider of water and wastewater facilities.
24
- 25 (K) Existing and proposed fire hydrant locations.
26
- 27 (L) The following computations:
28
- 29 (1) Gross acreage.
30
- 31 (2) Net acreage.
32
- 33 (3) Number of dwelling units and density for residential uses only.
34
- 35 (4) Individual and total square footage of building area, and square
36 footage and percentage of ground covered by roofed buildings or
37 structures and designation of use for each.
38
- 39 (5) Required number of parking spaces, loading and stacking spaces,
40 including calculations.
41
- 42 (6) Number of existing, proposed and total existing and proposed parking,
43 loading and stacking spaces provided.
44
- 45 (7) Pervious, impervious and paved surface, in square footage and
46 percentage.

- (M) Indication of existing native vegetation that will be preserved, as required herein.
- (N) Site plan location sketch, including section, township, and range.
- (O) Geometry of all paved areas including centerlines, dimensions, radii and elevations.
- (P) Location of trash and garbage disposal system and provisions for accessibility to garbage trucks.
- (Q) Location, dimensions, clearances and access of all required and proposed parking and loading areas.
- (R) Areas for emergency vehicles and fire engines, and provisions for accessibility to vehicles of the required type.
- (S) Location of all drainage features, and retention/detention areas, if any.
- (T) Schematic water, sewer, paving and drainage plan including the location of all mains and lift stations (note: Final engineering plans must be submitted and approved prior to the issuance of a building permit). Preliminary surface water management calculations must be provided unless waived by the Town Engineer.
- (U) Location of septic tank and drain field, if applicable.
- (V) A landscape plan demonstrating compliance with Sec 075-030, "Landscape plans."
- (W) A parking facility lighting plan and a street lighting plan, if applicable.
- (X) Floor plans and elevation drawings of all nonresidential buildings and structures.
- (Y) Street names and addresses, or a range of addresses, for any proposed building within the site plan, in conformity with Town standards.
- (Z) An application for site plan approval which abuts a trafficway that is functionally classified as a State Road and which proposes direct vehicle access to the State Road, shall also be accompanied by a valid Pre-Application approval letter from the Florida Department of Transportation issued pursuant to the "State Highway System Access Management Classification System and Standards," as amended.

1 (AA) *Additional documentation for non-residential site plans.* An applicant for
2 site plan approval for a non-residential use shall provide written
3 documentation with the application demonstrating the specific measures
4 that will be taken to prevent or minimize impacts upon adjacent residential
5 plots within three hundred (300) feet of a boundary of the site plan. These
6 impacts include the effects of excessive noise, objectionable odors, visible
7 emissions, particulate matter (including dust, smoke, soot, and aerosols),
8 solid wastes, hazardous wastes, fire and explosion. Specific measures
9 include but are not limited to the provision of setbacks, buffers,
10 landscaping, fencing, walls, and/or other measures as required by the
11 ULDC.
12

13
14 **Section 120-030. Procedure.**
15

16 (A) The various Town disciplines, applicable drainage district, fire marshal, and
17 other coordinating agencies shall review the site plan in accordance with
18 procedures and timeframes adopted by the Town.
19

20 (B) The Town Council shall conduct a quasi-judicial public hearing and act on
21 the site plan application as provided by law.
22

23
24 **Section 120-040. Substantive requirements.**
25

26 (A) Conformance to the approved and/or recorded plat, if applicable.
27

28 (B) Consistency with the Town Comprehensive Plan.
29

30 (C) Conformity to the ULDC.
31

32 (D) Conformity to the Town's adopted master drainage plan and/or drainage
33 district requirements and regulations.
34

35 (E) For nonresidential, non-agricultural site plans, conformity to the Crime
36 Prevention Through Environmental Design (CPTED) principles, including
37 natural surveillance, natural access control and territorial reinforcement.
38 Adherence to CPTED principles shall be balanced with specific ULDC
39 requirements such as those for lush landscape buffers, which may not
40 compliment CPTED design principles in some cases.
41

42
43 **Section 120-050. Site plan modification.**
44

45 If an applicant's development plans change after receiving site plan approval,
46 the applicant shall file an application for revised site plan approval with the Town

1 Administrator for Town Council consideration, unless Sec 120-010(D) exempts
2 the proposed modification from this process. Site plan modification submission
3 requirements are identical to those for site plan approvals. The Town
4 Administrator may waive certain submission requirements if deemed
5 unnecessary for review of the modification, based upon the principles
6 established within this Article.

7
8
9 **Section 120-060. Effect of approval.**

10
11 An approved site plan shall be effective until the development is completed, but
12 shall be null and void if a building permit for a principal structure is not issued
13 within one (1) year from the date the site plan approval. The Town Council may
14 grant one (1) extension not to exceed six (6) months duration upon
15 demonstration of hardship and intent to proceed.

16
17
18 **ARTICLE 125. COMPREHENSIVE PLAN MAP AMENDMENTS**

19
20 **Section 125-010. Purpose.**

21
22 This Article governs the processing and consideration of amendments to the
23 Town's Future Land Use Plan Map.

24
25 **Section 125-010. Application submission requirements.**

26
27 Applications must include, and follow, the checklist provided in the Broward
28 County Land Use Plan Administrative Rules Document. The Town Administrator
29 may waive certain submittal items contained on the checklist where the nature of
30 the proposed amendment does not require such items be submitted in order for
31 complete review of the application.

32
33
34 **Section 125-020. Processing.**

35
36 The Town shall process applications for amendment to the Future Land Use
37 Plan Map in accordance with Chapter 163.3184, 163.3187 and 163.3189 F.S.,
38 and Rule 9J-11, F.A.C. as may be amended from time to time.

39
40
41 **Section 125-030. Considerations.**

42
43 Plan amendment applications are considered legislative actions, and are
44 governed accordingly, and should be consistent with the policy of the Town as
45 set forth in the goals, objectives and policies of the Comprehensive Plan.

ARTICLE 130. ZONING MAP AMENDMENTS

Section 130-010. Purpose.

Whenever the public necessity, convenience, general welfare, or good planning and zoning practice requires, the Town Council may, by ordinance, amend, supplement, or change the regulations, district boundaries, or classifications of property, now or hereafter established by this Code or amendments thereto.

This Article governs the processing and consideration of such amendments and in particular amendments to the Town's Official Zoning Map (rezonings).

Section 130-020. Processing.

- (A) An application for a change of zoning district boundaries or a change of zoning district for any plot may be filed at the initiation of the Town Council, the Planning and Zoning Board, the owner of the property which is the subject of the change or said owner's authorized designee.
- (B) All requests pertaining to zoning modifications shall first come before the Town's Planning and Zoning Board who shall provide a recommendation to the Town Council.
- (C) Following the Planning and Zoning Board's recommendation, the request shall be brought before the Town Council as an Ordinance, which shall be, at a minimum, heard in accordance with Florida Statutes §166.041, as may be amended from time to time.
- (D) Filing an Application. All applicants shall complete an application on forms provided by the Town, which shall be submitted to the Town Administrator upon completion.
- (E) Upon receipt of a completed application, receipt of any additional documentation that the Town may request, and upon completion of the Town's planning analysis, the application shall be duly advertised and scheduled before the Town Council, at the next available Regular Council Meeting.
- (F) Notice shall be given to the general public in accordance with Florida law and in accordance with the Town's notice requirements.
- (G) Application Fee. There shall be an application fee for each zoning request. The amount of the application shall be set by the Town Administrator as that amount required to reimburse the Town for all

1 expenses associated with the petition plus the costs incurred by the
2 Town.

3
4 (1) Time of Payment. The application fee shall be paid at the time the
5 application is filed and is a condition of the Town Council holding
6 the required public hearing.

7
8 (2) Items Deferred to a Later Date. In the event an applicant requests
9 a deferral to a later date, the applicant shall pay any and all related
10 costs associated with the deferral.

11
12 (H) Procedure. The Town Council shall hear the application pursuant to the
13 Town's quasi-judicial procedures set forth in Article 105.

14
15 (I) Burden of Proof under Quasi Judicial Procedures. In making a
16 presentation, the applicant shall bear the burden of demonstrating by
17 competent substantial evidence that the evidence on the record
18 demonstrates that the zoning modification should be granted.

19
20 (J) The Vote. In furtherance of Section 5.01 of the Town's Charter, all quasi-
21 judicial items require four affirmative votes of the Town Council.

22
23 (K) Recordation. The Town Council's decision concerning any request for
24 rezoning shall be recorded in the public records of Broward County,
25 Florida.

26
27
28 **Section 130-030. Considerations for zoning requests.**

29
30 In formulating a recommendation or decision on a zoning modification, the
31 reviewing agency shall consider and shall evaluate the modification in relation to
32 pertinent factors.

33
34 (A) That the request does not meet any one of the following criteria whereby
35 the request would be considered contract or spot zoning:

36
37 (1) The proposed rezoning would give privileges not generally
38 extended to similarly situated property in the area.

39
40 (2) The proposal is not in the public's best interest and it only benefits
41 the property owner.

42
43 (3) The proposed zoning request violates the Town's Comprehensive
44 Plan.

- 1 (4) The proposed change will result in an isolated district unrelated to
2 adjacent or nearby districts.
3
- 4 (B) A zoning modification may be approved if the applicant can demonstrate
5 by competent substantial evidence that the request is consistent with one
6 of the following four criteria:
7
- 8 (1) That there exists an error or ambiguity which must be corrected.
9
- 10 (2) That there exists changed or changing conditions which make
11 approval of the request appropriate.
12
- 13 (3) That substantial reasons exist why the property cannot be used in
14 accordance with the existing zoning.
15
- 16 (4) That the request would advance a public purpose, including but not
17 limited to, protecting, conserving, or preserving environmentally
18 critical areas and natural resources.
19
- 20 (C) When determining if one of the four (4) criteria delineated in Section (B)
21 have been satisfied, the reviewing agency shall consider the following:
22
- 23 (1) That the request is compatible with surrounding zoning districts
24 and land uses.
25
- 26 (2) That the request is consistent with or furthers the goals, objectives,
27 policies, and the intent of the Town's Comprehensive Plan and the
28 Town's Future Land Use Map.
29
- 30 (3) That the anticipated impact of the application would not create an
31 adverse impact upon public facilities such as schools and streets.
32
- 33 (D) The reviewing agency shall also consider:
34
- 35 (1) The recommendation of staff.
36
- 37 (2) The testimony of any applicants, their agents or representatives.
38
- 39 (3) The facts and opinions presented to the reviewing agency during
40 public hearings.
41
42

43 **Section 130-040. Decisions on zoning requests.** 44

45 At the conclusion of any public hearing relating to an amendment to the zoning
46 code, the reviewing agency shall take one of the following actions:

- (1) Defer consideration of the amendment to a future date; provided, however that the reviewing agency shall be required to make a decision within three (3) months of the originally scheduled hearing.
- (2) Approve the amendment.
- (3) Approve a modified version of the amendment that may be less restrictive than the current zoning district but more restrictive than the petitioned for zoning district. Any amendments proffered which are not consistent with the advertised notice of public hearing shall be considered as a recommendation for initiation of a new amendment, requiring compliance with all provisions of this article.
- (4) Deny the amendment.

Section 130-050. Further requests after withdrawal or denial.

- (1) Except as set forth in subsection (2) below, when any request for a change of zoning district is withdrawn by the applicant after the initial public hearing or is denied by the Town Council, no other petition for a change of zoning on the same property shall be considered within one year from the date of such withdrawal or denial.
- (2) The Town Council, for good cause and to avoid undue hardship, upon four (4) affirmative votes, may permit the resubmission of a withdrawn application within the one year period.

Section 130-060. Appeals.

In furtherance of § 9.100 et seq. of the Florida Rules of Appellate Procedure, as may be amended from time to time, an appeal of a decision of the Town Council shall be by writ of certiorari to a court of competent jurisdiction within thirty (30) days of the Town Council's decision.

1
2 **ARTICLE 135. APPEALS OF ADMINISTRATIVE DECISIONS.**
3
4

5 **Section 135-010. Applicability.**
6

7 Any person affected by an administrative decision rendered by the Town
8 Administrator, Town personnel or consultants (hereinafter referred to as "Town
9 Administrator" relating to any provision of the ULDC, which person believes the
10 decision has been rendered in error, may appeal the decision according to the
11 procedure established within this Article.
12

13
14 **Section 135-020. Procedure.**
15

16 (A) An appeal from any order, requirement, decision, or determination made by
17 the Town Administrator may be appealed by notifying the Town
18 Administrator and Town Attorney, in writing that the applicant is appealing
19 the administrative decision. The notification shall be received no later than
20 thirty (30) calendar days after the administrative decision is "rendered." If
21 the notification is not received within thirty (30) days after rendition of the
22 decision, the applicant is deemed to have waived the right to challenge the
23 decision. For the purposes of this Section, the term "rendered" means the
24 date the applicant initials or otherwise indicates receipt of the decision.
25 However, in the event the decision is not accepted or is returned, the term
26 "rendered" means ten (10) calendar days after the date the decision was
27 mailed, e-mailed or faxed.
28

29 (B) Upon receipt of a timely notice of appeal, the appeal shall be assigned to
30 the Town Council or designee (hereinafter referred to as "Town Council")
31 serving in an appellate capacity at one (1) of the next two (2) regularly
32 scheduled Town Council Meetings unless an extension of time is requested
33 or agreed to by the applicant. The Town Council shall be given a copy of
34 the evidence previously presented as well as the administrative findings.
35 All evidence previously submitted shall be incorporated by reference into
36 the Town Council review proceeding. After reviewing all of the evidence,
37 and after conducting a properly noticed quasi-judicial public hearing to
38 review the petition in accordance with Article 105, "Quasi-Judicial Hearing
39 Requirements," the Town Council shall make a final determination based
40 on the evidence presented and the applicable criteria set forth below.
41

42 (C) The Town Attorney shall represent the Town Council in the administrative
43 hearing. The Town Council shall render a decision relating to an appeal
44 from an administrative decision in accordance with the criteria set forth
45 below, the definitions set forth within Article 10, "Definition of Terms," all
46 applicable statutes, and established case law.

- 1
2 (D) Nothing in this Section prohibits the Town Administrator from reconsidering
3 and reversing the administrative decision at any time prior to the start of the
4 hearing before the Town Council.
5
6 (E) Within thirty (30) days after rendition of the order, requirement, decision
7 or determination, the Town Council shall have the authority to reverse or
8 affirm, wholly or in part, or modify any order, requirement, decision, or
9 determination made by the Town Administrator in the interpretation or
10 enforcement of any provision of the ULDC. The Council shall have all the
11 powers of the Town Administrator from whose decision the appeal is
12 taken.
13
14 (F) The Town Attorney shall, within forty-five (45) calendar days of the issue a
15 proposed order which shall include findings of fact and conclusions of law
16 with respect to the claim of the applicant.
17
18 (G) Appeal of the Town Council's decision shall be by petition for writ of
19 certiorari to the circuit court within thirty (30) days, as established by §9:100
20 Florida Rules of Appellate Procedure, as may be amended from time to
21 time, from the date of the rendition of the Town Council's final decision.
22
23

24 **Section 135-030. Criteria for appeals of an administrative decision.**
25

26 In rendering a decision relating to an appeal from an administrative decision, the
27 Planning and Zoning Board shall consider the following:
28

- 29 (A) Whether there exists an error or ambiguity which must be corrected;
30 (B) The general intent of the section of the Code which is the subject of the
31 appeal;
32 (C) The impact of any finding on the surrounding community;
33 (D) The testimony and submittals of any appellants, their counsel, agents,
34 representatives, or witnesses; and
35 (E) The testimony and submittals of the Town Administrator, his or her counsel,
36 representatives, or witnesses.
37
38

39 **Section 135-040. Conditions and limitations.**
40

41 In rendering a decision on any appeal from an administrative decision, the
42 Planning and Zoning Board may modify or reverse any interpretation of the
43 Town Administrator. A violation of any modification, when made a part of the
44 findings, shall be considered a violation of the ULDC section that was the
45 subject of the appeal, and shall be subject to enforcement procedures of the
46 Town of Southwest Ranches Code of Ordinances.

1
2 **ARTICLE 140. VARIANCES.**
3
4

5 **Section 140-010. Generally.**
6

- 7 (A) No approval shall be given for a proposed development containing any
8 element in conflict with the Town Code. Any such conflict shall be
9 resolved prior to the issuance of any development order or permit by
10 amending the development application or, if applicable, obtaining a
11 variance pursuant to the requirements of this Article.
12
13 (B) The Town Council shall conduct public hearings, take testimony, and
14 review documentary evidence submitted by parties requesting a variance
15 from the terms of the ULDC as set forth herein.
16

17
18 **Section 140-020. Authority.**
19

- 20 (A) The Council shall have the authority to grant a variance to provisions of the
21 ULDC relating to the following:
22
23 (1) height
24 (2) yards
25 (3) offstreet parking and loading
26 (4) landscaping and buffers
27 (5) separation of uses
28 (6) plot coverage
29 (7) such other provisions of the Code which do not specifically prohibit
30 such requests
31
32 (B) No variance request may be acted upon by the Town Council that would
33 allow a use which is specifically or by inference prohibited in any zoning
34 district classification, including an increase in density, or any provisions for
35 which the ULDC specifically prohibits waiver or modification.
36
37 (C) Applications for variances will not be considered with respect to the
38 following:
39
40 (1) Where application, either formal or informal, has been made for
41 construction or alteration of buildings, structures, or other
42 improvements that commenced subsequent to April 14, 2005 (the date
43 of adoption of this provision), and for which all necessary development
44 orders and permits have not been issued or where the Town has
45 denied such application, but the building, structure, or other
46 improvement is later constructed.

- 1
2 (2) Where plans have been submitted and approved and permits issued
3 and the building, structure, or other improvement is not built according
4 to plan.
5
6 (3) Where plans have been submitted and approved and permits issued,
7 but additional work not shown on the approved plans has been
8 performed.
9
10 (4) Where a property has been subdivided and as a result an existing
11 structure is in violation of the provisions of this Code.
12
13

14 **Section 140-030. Procedure.**
15

- 16 (A) *Filing of petition.* Petitions for variances may be filed by any property
17 owner substantially aggrieved by the literal enforcement of the regulations
18 set forth in Section 140-20 (A) above. Such petitions shall be filed on forms
19 provided by the Town and shall be submitted to the Town Administrator.
20
21 (B) *Review and scheduling of petition for public hearing;* Upon receipt of a
22 completed petition, and upon receipt of any additional documentation that
23 the Town may request, the Town Administrator shall review the application
24 and prepare a report which, at a minimum, details the facts and
25 circumstances pertaining to the variance request. Upon completion of such
26 report, the petition shall be duly advertised and scheduled before the Town
27 Council, at the next available Regular Council Meeting.
28
29 (C) *Notice.* Notice shall be given to the general public in accordance with
30 Florida law and in accordance with the Town's notice requirements.
31
32 (D) *Application Fee.* There shall be an application fee for each variance
33 petition. The amount of the application shall be set by the Town
34 Administrator as that amount required to reimburse the Town for all
35 expenses associated with the petition plus the costs incurred by the Town.
36 The application fee shall be paid at the time the petition is filed and is a
37 condition of the Town Council holding the required public hearing.
38
39 (E) *Public hearing procedure.* The Town Council shall hear the petition for a
40 variance pursuant to the Town's quasi-judicial procedures set forth in
41 Article 105.
42
43 (F) *Burden of Proof under Quasi Judicial Procedures.* In making a
44 presentation, the petitioner shall bear the burden of demonstrating by
45 competent substantial evidence that the evidence on the record
46 demonstrates that the relief sought should be granted.

1
2 (G) *The Vote.* In furtherance of Section 5.01 of the Town's Charter, all quasi-
3 judicial items require four affirmative votes of the Town Council.
4

5 (H) *Recordation.* The Town Council's decision concerning any variance
6 application shall be recorded in the public records of Broward County,
7 Florida.
8
9

10 **Section 140-040. Considerations for variances.**
11

12 (A) A variance will not be contrary to the public interest where the applicant has
13 demonstrated by competent substantial evidence that it has satisfied the
14 criteria set forth below.
15

16 (B) *Variance Criteria.* When granting any variance from the terms of the Code,
17 the Town Council shall determine whether the applicant has met the
18 following criteria:
19

20 (1) That special conditions and circumstances exist which are unique to
21 the property in question, or to the intended use of the property, that do
22 not generally apply to other properties in the same zoning district;
23

24 (2) That any alleged hardship is not self-created by any person having an
25 interest in the property and is not the result of mere disregard for, or
26 ignorance of, the provisions of the Code, but is instead the result of
27 one or more of the special condition(s) found above;
28

29 (3) That literal interpretation of the Code would deprive the applicant of
30 reasonable use of the property, in that the applicant would be deprived
31 of rights commonly enjoyed by properties in the same zoning district,
32 and would thereby cause an unnecessary and an undue hardship;
33

34 (4) That the variance proposed is the minimum variance that will make
35 possible the reasonable use of the property and it will not confer on
36 the any special privilege that is denied to any other properties in the
37 same zoning district;
38

39 (5) That the granting of the variance will be in harmony with the general
40 intent and purpose of the Code and that such variance will not be
41 injurious to the area involved or otherwise detrimental to the public
42 welfare.
43

44 (C) When an applicant is seeking a variance from a construction, design or site
45 improvement standard or requirement, including but not limited to all
46 requirements contained within Article 80, Division 2 (parking design and

1 construction standards) and Articles 85 and 90 (site development
2 standards and subdivision design and access standards), the applicant
3 must demonstrate by competent substantial evidence that the deviation
4 from the code requirement, together with any alternative methods,
5 mitigation, materials, or design, is consistent with generally accepted
6 engineering practices, such that the Town's engineering standards may be
7 modified as they pertain to the petition.
8
9

10 **Section 140-050. Conditions and limitations.**
11

12 In authorizing any variance, the Town Council may prescribe reasonable
13 conditions and limitations that are reasonably necessary to mitigate any impact
14 the variance may have on the surrounding neighborhood. A violation of any
15 condition or limitation, when made a part of the terms under which the variance
16 is granted, shall be deemed a violation of the Code and shall serve as grounds
17 for the termination of the variance.
18
19

20 **Section 140-060. Time limits.**
21

22 (A) A variance shall automatically expire under the following conditions:
23

- 24 (1) If a permit or development order has not been issued by the Town
25 within six (6) months from the date the variance was granted (or date
26 of any final court order granting or modifying a the variance), in
27 accordance with the specific plans for which that variance was
28 granted.
29
- 30 (2) If a Town development order expires.
31
- 32 (3) If a permit issued within the required time period has expired or has
33 been revoked pursuant to the Florida Building Code, as may be
34 amended from time to time.
35
- 36 (4) If a permit or development order is issued within the required time
37 period, if work has not been completed and a certificate of occupancy,
38 or final inspection for uninhabitable structures or improvements, has
39 not been issued under that permit within a reasonable time.
40
41
- 42 (5) If the conditions and limitations of the variance have not been
43 satisfied.
44

45 (B) It shall be the responsibility of the property owner to ensure that a variance
46 does not expire.

1
2 (C) The petitioner shall be granted an extension to an expiring variance for a
3 single one (1) year period, or a portion of a year, upon the Town
4 Administrator's receipt of a written request not less than forty five (45) days
5 before the expiration of the approved variance, stating the reasons for the
6 extension request, and providing that the Administrator finds that the
7 applicant requires the extension for reasons beyond the applicant's control.
8 The Administrator shall determine the length of the extension based upon
9 the nature of the circumstances resulting in the request for extension.

10
11 (D) Whenever the Town Council has taken action to reject a variance, the
12 Council shall not consider any further request for the same variance on any
13 part of the same property for a period of twelve (12) months from the date
14 of such action (or date of any final court order denying the variance), unless
15 the time period is waived by four (4) affirmative votes of the Town Council
16 in order to prevent injustice or to facilitate the proper development of the
17 Town.

18
19 (E) Whenever the Town Council has taken action to reject a variance, the
20 Council shall not consider any further request for any other variance on any
21 part of the same property for a period of six (6) months from the date of
22 such action (or date of any final court order denying the variance), unless
23 the time period is waived by four (4) affirmative votes of the Town Council
24 in order to prevent injustice or to facilitate the proper development of the
25 Town.

26 27 28 **ARTICLE 145. VACATIONS OF RIGHT-OF-WAY.**

29 30 31 **Section 145-010. Applicability.**

32
33 This Article shall apply to any request for vacation or abandonment of any public
34 right-of-way, or any Town interest in an easement.

35 36 37 **Section 145-020. Application requirements.**

38
39 At a minimum, an application submittal for a vacation of right-of-way shall
40 contain the information required below.

41 (A) Evidence of the applicant's notification to all utilities (public and private) that
42 may have an interest in the area to be vacated, such notice giving the
43 utilities up to ten (10) business days from date of mailing to respond with
44 concerns, objections or finding of no objection.

1 (B) A petition duly signed, witnessed, notarized and acknowledged by all
2 persons having an interest in all lots, blocks, tracts, pieces or parcels of
3 land, however the same may be designated, that are shown on a plat
4 sought to be vacated.

5 (C) For all other vacations, a duly signed, witnessed, notarized instrument of
6 support from all property owners of property abutting or accessing the right-
7 of-way proposed for vacation, and all property owners requiring travel
8 upon such right-of-way to gain access to another street or accessway in
9 order to access their property.

10 (D) A current signed and sealed survey of the area to be vacated including the
11 legal description.
12
13

14 **Section 145-030. Application processing.**

15 A) *Town Council review:*

16 The Council shall conduct a public hearing on the application. The Council
17 shall base its decision on the application to approve, deny or approve with
18 conditions for mitigation of impacts, on positive findings to the following
19 criteria:

20 (1) The vacation will not adversely affect access to neighboring
21 properties.

22 (2) The subject right-of-way or easement is not needed for any public
23 purpose, and the vacation request will not otherwise be in conflict with
24 the public health, safety and welfare of Town residents.

25 (B) Approval shall be by ordinance.

26 (C) Whenever the Council has acted upon a vacation of right-of-way, whether
27 approved or denied, the Council shall not thereafter consider any further
28 application for the same or any other kind of vacations of rights-of-way for
29 any part or all of the same property for a period of one (1) year from the
30 date of approval or denial. The above time limits may be waived by a
31 majority vote of the Council when the Council deems such action
32 necessary to prevent injustice or to facilitate the proper development of the
33 Town.

34 (D) Vacations of right-of-way are subject to the applicable provisions of the
35 Town Charter.

36
37 (E) The Ordinance vacating the right-of-way shall be recorded in the public
38 records of Broward County, Florida.
39

1 **ARTICLE 150. VESTED RIGHTS DETERMINATIONS.**

2
3
4 **Section 150-010. Generally.**

- 5
6 (A) The Town Council recognizes that certain land development rights of
7 property owners may be vested with respect to approved land uses, density
8 or intensity of development and/or staging or phasing of development. Any
9 person claiming vested rights to develop property shall make application for
10 a vested rights determination with the Town Administrator.
11

12
13 **Section 150-020. Procedure.**

- 14
15 (A) The Town Administrator shall review the application and any supporting
16 documents and shall consult with the Town Attorney's office. The
17 Administrator shall render a determination within thirty (30) days of
18 receiving all information the Administrator deems necessary to make the
19 determination.
20

- 21 (B) If the Town Administrator receives a notice of appeal from the applicant
22 within fifteen (15) days of mailing the determination to the applicant by
23 certified mail, the appeal shall be scheduled for a public hearing before
24 the Town Council, which may uphold or reverse the Administrator's
25 determination.
26

- 27 (C) All vested rights determinations shall be based upon whether vested
28 rights have been created pursuant to the provisions set forth within this
29 Section, applicable statutes, or established case law, and shall consider
30 whether any time limitation is applicable to such vested rights.
31

- 32 (D) Standards for claims for vested rights, subject to changes in Florida law
33 and applicable case law:
34

- 35 (1) There was a valid, unexpired act of an agency of the Town upon
36 which the applicant reasonably relied in good faith; and
37

- 38 (2) The applicant, in reliance upon the valid, unexpired act of an
39 agency of the Town, has made a substantial change in position or
40 has incurred extensive obligations or expenses; and
41

- 42 (3) It would be inequitable, unjust, or fundamentally unfair to destroy
43 the rights acquired by the applicant.
44

- 45 (4) The following are not considered development expenditures or
46 obligations in and of themselves, without more, unless the applicant

1 was unable to obtain further approvals because of extraordinary
2 delays, beyond the applicant's control:

- 3
- 4 a. Expenditures for legal and other professional services that are
5 not related to the design or construction of improvements.
6
- 7 b. Taxes paid.
8
- 9 c. Expenditures for initial acquisition of land.
10

- 11 (5) It is recognized that there may be additional circumstances where
12 some vested rights have arisen which are not specified above.
13
14

15 **ARTICLE 155. ADMINISTRATIVE FARM CLAIM DETERMINATIONS.**
16

17
18 **Section 155-010. Applicability.**
19

- 20 (A) Any authorized individual or entity whose property does not currently have
21 an agricultural classification pursuant to Section 193.461 F.S., as may be
22 amended from time to time, and is claiming that a parcel of land or a
23 portion of a parcel of land is a farm, shall make an application for an
24 administrative determination.
25
26

27 **Section 155-020. Procedure.**
28

- 29 (A) Requests for such a determination shall be made to the Town
30 Administrator. A filing fee in an amount necessary to cover the costs for
31 the processing of the application and the inspection of the property, if any,
32 shall be owed prior to obtaining a farm classification. The applicant may
33 also be responsible for reimbursing the Town for costs associated with the
34 postcard confirmation as set forth in (D), below.
35
- 36 (B) The Town Administrator shall review the application and any supporting
37 documents to determine whether the parcel is a farm and whether the
38 activities taking place on the parcel are farm operations and activities in
39 accordance with the criteria set forth within Sec. 155-030, "Criteria for farm
40 claims" and the definitions set forth within Article 10, "Definition of Terms."
41 Within twenty (20) business days after the receipt of a complete and
42 sufficient application, the Town Administrator shall either grant the
43 application or respond to the applicant in writing the reason or reasons for
44 denial. The decision shall be mailed by U.S. Mail to the address indicated
45 on the application, return receipt requested.
46

1 (C) If the applicant disagrees with the determination of the Town Administrator
2 or the Town Administrator's designee, the decision may be appealed
3 pursuant to the procedure established in Article 135, "Appeals of
4 Administrative Decisions," and the Planning and Zoning Board shall
5 determine whether the parcel is a farm and whether the activities taking
6 place on the parcel are farm operations and activities. If the applicant has
7 challenged a decision that the property should be granted an agricultural
8 classification pursuant to § 193.461, F.S., as may be amended from time to
9 time, then the time frame to seek an appeal shall be stayed until the final
10 determination by the Value Adjustment Board if the applicant has appealed
11 the decision of the classification of the applicant's property.
12

13 (D) If the applicant is granted a farm classification, each year the applicant will
14 receive a postcard from the Town confirming that the property has
15 maintained its farm classification and stating the language set forth in (E),
16 below. If the property's farm classification has ended, the applicant must
17 notify the Town by returning the postcard to the Town within forty-five (45)
18 calendar days from the date the postcard has been mailed. Failure to
19 return the postcard shall result in the applicant being held responsible for
20 all of the Town's costs, attorney fees, and attorney fees on appeal if the
21 property is later determined to have lost its farm classification by the
22 Planning and Zoning Board, Town Council, or a court of competent
23 jurisdiction.
24

25 (E) If the property's farm classification has ended, any non residential farm
26 building or structure which has not been reviewed or inspected to
27 determine if the building or structure was constructed in accordance with
28 the South Florida Building Code, or any successor building code and which
29 building or structure ceases to be used as a part of a farm operation for a
30 period of one (1) year shall be presumed to be an unsafe structure and
31 shall be subject to the unsafe structure provisions of the Uniform Florida
32 Building Code, or any successor building code.
33
34

35 **Section 155-030. Criteria for farm claims.**

36

37 The criteria set forth below shall be considered in determining whether a
38 property constitutes a farm. The applicant shall not be required to show that the
39 applicant meets all of the criteria. However, the applicant shall be required to
40 show by competent substantial evidence that the applicant meets a
41 preponderance of the criteria under the particular circumstances in order to
42 receive a determination that the applicant's property is a farm.
43

44 (A) The applicant can demonstrate that the applicant has satisfied the general
45 intent of the "Right to Farm Act" by preserving productive land for

1 agricultural purposes and protecting established farmers from the demands
2 of sprawling urban development.
3

4 (B) The applicant can demonstrate that there are clearly identifiable farm
5 products as defined in Article 10, "Definition of Terms" resulting from the
6 farm operation.
7

8 (C) The proportion of the gross acreage of the land used for agricultural
9 purposes and the intensity of that agricultural purpose as compared to any
10 residential or other non-agricultural uses which are also present on the
11 land.
12

13 (D) Whether the parcel in question is comparable to similar farm operations of
14 the same type in the community which have been classified as agriculture
15 pursuant to Section 193.461, F.S., as may be amended from time to time,
16 or which have been determined to be a farm pursuant to this Article
17

18 (E) Whether a Schedule "F" or other Federal Income Tax return has been filed
19 in connection with any farm income and expenditures.
20

21 (F) The length of time the land has been used for agriculture by the current
22 operator and the level of agricultural activity achieved commensurate to this
23 time period.
24

25 (G) The length of time the applicant has used other lands for agricultural
26 purposes and the level of agricultural activity achieved commensurate to
27 this time period.
28

29 (H) The amount of time, effort and capitalization invested in the agricultural use
30 of the land.
31

32 (I) Membership or involvement with agricultural associations, such as the
33 Farm Bureau, the Nursery and Growers Association, breed societies or
34 other organizations which may be specific to various forms of agriculture.
35

36 (J) If the property has been previously granted an agricultural classification
37 pursuant to § 193.461, F.S. as may be amended from time to time,
38 Broward County's Value Adjustment, or a court of competent jurisdiction,
39 and there has been no change in the property's agricultural use.
40