

ORDINANCE NO. 2009 - 08

AN ORDINANCE OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA, ADOPTING A NEW, CODIFIED, AND REVISED PORTION OF THE TOWN'S CODE OF ORDINANCES, INCLUDING BUT NOT LIMITED TO THE CHARTER, UNIFIED LAND DEVELOPMENT CODE, AND SELECTED PROVISIONS OF THE TOWN'S CODE; REPEALING ALL PRIOR ENACTMENTS WHICH THIS CODIFICATION REPLACES; ESTABLISHING THE ENACTMENT DATE; PROVIDING FOR AMENDMENT; PROVIDING FOR THE PENALTY FOR THE VIOLATION THEREOF; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on December 29, 2005, Municipal Code Corporation (MCC) submitted a proposal related to the codification of the Town's Charter, Unified Land Development Code, and other selected Ordinances in order to compile, reference, and index the Town's Unified Land Development Code and all related ordinances of the Town in a coherent manner concurrent with governmental standards, which would be accessible by the general public; and

WHEREAS, on January 5, 2006, pursuant to Resolution No. 2006-029, the Town Council entered into an Agreement with MCC; and

WHEREAS, after an extensive review and codification process, MCC has provided the Town with a new, codified, and revised portion of the Town's Charter, Unified Land Development Code ("ULDC"), and various other provisions of the Town's Code; and

WHEREAS, since this selected codification only consists of records through May 1, 2008, all subsequent Ordinances shall be included in regular supplements; and

NOW, THEREFORE, BE IT ORDAINED by the Town Council of the Town of Southwest Ranches, Florida:

Section 1: That the foregoing "WHEREAS" clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this Ordinance.

Section 2: The Town hereby adopts a new, codified, and revised portion of the Town's Code of Ordinances, including but not limited to, the Charter, Unified Land Development Code, and selected Ordinances, as published by the

Municipal Code Corporation in 2008 (hereinafter "2008 Codification"), as attached hereto in Electronic Copy as Exhibit "A", pursuant to the modifications attached hereto as Exhibit "B".

Section 3: That all prior enactments, which this 2008 Codification replaces, shall be deemed to be repealed and replaced by the 2008 Codification. As stated in Section 9.03 of the Town's Charter, in no event is this 2008 Codification intended to repeal or replace any other portion of the June 6 2000, Broward County Code of Ordinances unless previously modified or replaced by the Town's Charter, or official action of the Town Council.

Section 4: The 2008 Codification shall be deemed to be enacted upon second and final reading of this Ordinance. All Ordinances adopted after May 1, 2008, that amend or refer to Ordinances or Sections that may have been codified in the 2008 Codification shall be construed as if they amend or refer to like provisions in the 2008 version and shall be included within the first supplement.

Section 5: The 2008 Codification may be amended by subsequent Ordinance, when such amendment indicates that it shall be made a part of the Town's Code.

Section 6: Unless another penalty is expressly provided, every person convicted of a violation of any provision of the Code or any ordinance, rule or regulation adopted or issued in pursuance thereof shall be punished by a fine not exceeding \$500.00 and/or imprisonment not to exceed 60 days. Each act of violation and each day upon which any such violation shall continue or occur shall constitute a separate offense. The penalty provided by this section, unless another penalty is expressly provided, shall apply to the amendment of any Code section, whether or not such penalty is reenacted in the amendatory ordinance. In addition to the penalty prescribed above, the Town may pursue other remedies such as abatement of nuisances, injunctive relief and revocation of licenses or permits.

Section 7: Conflicts. All Ordinances or parts of Ordinances, Resolutions or parts of Resolutions in conflict herewith, 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.

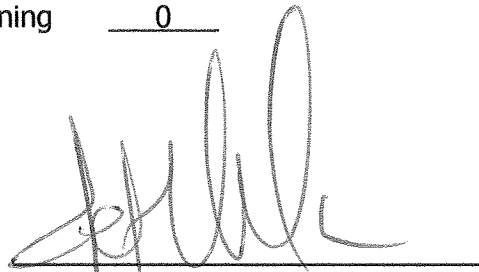
Section 9: Effective Date. This Ordinance shall become effective upon its adoption.

PASSED ON FIRST READING this 15th day of January, 2009 on a motion made by Vice Mayor Breitkreuz and seconded by Council Member Aster Knight.

PASSED AND ADOPTED ON SECOND READING this 19th day of March, 2009, on a motion made by Council Member Aster Knight and seconded by Vice Mayor Steve Breitkreuz.


Nelson	<u>Y</u>
Breitkreuz	<u>Y</u>
Fisikelli	<u>Y</u>
Knight	<u>Y</u>
McKay	<u>Y</u>

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



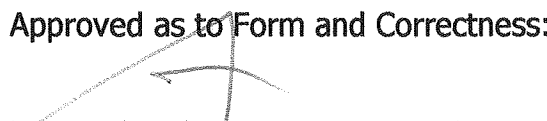
Jeff Nelson, Mayor

ATTEST:



Susan A. Owens, CMC, Town Clerk

Approved as to Form and Correctness:



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

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SUPPLEMENTAL EXHIBIT B: INDEX OF PROPOSED CHANGES TO MUNICODE DRAFT

Corresponding Revision # in Backup	Section Reference	Explanation of Revision	Revision text
n/a	010-030	Correct the phrasing of a definition.	<i>Floor area, gross under roof.</i> The terms “gross under roof floor area” and “gross floor area under roof” means...
43a	080-060(D)	Correct a typo.	...Assembly areas with unified <u>unfixed</u> seating shall be deemed to have a seating capacity equal to the maximum occupancy capacity allowed by the Florida Fire Prevention Code...
44	080-070(B)(2)	Corrects a conflict between parking requirements.	Athletic field seating. Auditorium: 1.0 per 3 fixed seats Plus 1.0 per 200 sq. ft. of non-assembly area and not having fixed seating.
47	080-070(D)(9)	Corrects a conflict between parking requirements.	Athletic field and sports court spectator seating: 1.0 per each 3 seats Plus 1.0 per 250 200 sq. ft. of gross floor area for non-seating areas of buildings on site.
n/a	045-030()	Deletes a word that MuniCode incorrectly inserted into the guest house regulations	(2) ...guest homes shall not exceed six hundred (600) net square feet... (3) ...guest homes shall not exceed twelve hundred (1,200) net square feet
n/a	100-060(B)	Restores text, that should not have been deleted during codification, to the way it currently reads.	<i>Prescribed distances for notification.</i> Properties located within the distances prescribed in subsections (B)1 through (B)(5 3) of the section shall be notified by mail of any of the following application types: (4) Site Plans: <u>one thousand (1,000) feet</u> (5) Appeal of an administrative decision: <u>one thousand (1,000) feet</u>
13	010-030	Domestic animal breeding, boarding	WITHDRAWN
16	010-030	Defines plant nursery	WITHDRAWN
23	045-030(F)(3)g.	Domestic animal breeding	WITHDRAWN
27	045-070(A)(2)	Corrects an incorrect date and ordinance number	e. Was of public record as of July 14, 2005 <u>October 6, 2005</u> and became nonconforming as a result of Town of Southwest Ranches Ordinance Number 2006-0602...
27	045-070(C)(1)	Corrects an incorrect date and ordinance number, and deletes repealed language	d. Were of public record as of July 14, 2006 <u>October 6, 2005</u> and became nonconforming as a result of Town of Southwest Ranches Ordinance Number 2006-06-02 e. Was of public record as of March 2, 2006 and became nonconforming as a result of Town of Southwest Ranches Ordinance Number 2006-06, which excluded primary electrical transmission easements, as well as drainage canals and lakes from counting toward net plot area...
33	060-30	Adds a missing reference (to limitations on academic schools)	Places of worship [see Sec. 060-060, 060-090(D) and 060-090(E)]
39	070-070	Deletes regulations on display of flags in rural and agricultural areas	(C) Flags. Display of flags <u>in the CB, M and CF districts</u> is subject to the following regulations. (1) There shall be no more than one (1) flagpole per lot in the rural and agricultural districts two (2) flagpoles per lot in all other districts. (4) No flag shall be longer than five (5) seven (7) feet in its longest dimension
61, 68	120-60	Eliminates revision #61 and replaces it with #68.	Revises site plan expiration language. See next page for full text.
65	Chapter 2, Article VII	Revises code enforcement provisions	See next page for full text..
66	New Sec.85-060	Retaining wall regulations	See next page for full text..
67	New Sec. 85-070	New fill height regulations	See next page for full text..

Proposed for deletions are shown as ~~stricken~~ and proposed additions are shown as underlined.

SUPPLEMENTAL EXHIBIT B: INDEX OF PROPOSED CHANGES TO MUNICODE DRAFT

65 (THE FOLLOWING CHANGES AFFECT CHAPTER 2, ARTICLE VII, "CODE ENFORCEMENT" OF THE CODE OF ORDINANCES)

2-149 Code prosecutor means the Town Attorney

2-154 (d) All fine and liens established pursuant to this Article shall be given super priority and shall constitute a lien prior in dignity to all liens, including but not limited to any mortgage on such property that may have been executed and recorded prior to the existence of any fine or lien instituted pursuant to this Article, excepting county tax liens and liens of equal dignity with county tax liens.

2-155 (c) Citations

(2) A Code Officer who finds a violation of a code or ordinance shall have the authority to serve a notice of violation to the Violator. Prior to issuing a citation, the Code Officer shall provide a written notice to the person in violation that the person has committed a violation of a code or ordinance and establish a reasonable period of time for the person to correct the violation. In accordance with F.S., Ch. 162.21(b), as may be amended from time to time, such time period shall be reasonable shall be no more than thirty (30) days. In making a determination of reasonableness the Code Officer shall consider whether it is a Repeat Violation, whether the violation presents a serious threat to the public health, safety, or welfare, whether the Violator is engaged in violations of an itinerant or transient nature, and whether the violation is irreparable or irreversible. If, upon personal investigation, the Code Officer finds that the person has not corrected the violation within the designated time period, the Code Officer may issue a citation to the person who has committed the violation. In the event that a Code Officer finds a violation of a code or ordinance, and the Violator has been previously issued a notice of violation under the same code or ordinance, no additional time shall be given to correct the violation and the Code Officer may issue an immediate citation to the Violator.

2-159. Release of Liens.

Fines and liens created pursuant to this Article may be discharged and satisfied by paying the amount specified in the notice of fine or lien, together with the administrative costs, filing and recording fees and fees paid to file a satisfaction of the lien in the public records. When such fine or lien has been paid, the code prosecutor shall execute and shall record a satisfaction discharging the fine or lien in the public records.

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New 85-060 Retaining walls.

(A) Definition. A retaining wall is defined as a wall or other structure that holds back earth (fill) or fluid on one side of it.

(B) Stem walls. Retaining walls for the primary fill pad of a roofed structure may be located at the minimum horizontal distance from the property line necessary to maintain a minimum 4:1 (4 horizontal to 1 vertical) slope ratio in

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SUPPLEMENTAL EXHIBIT B: INDEX OF PROPOSED CHANGES TO MUNICODE DRAFT

order to determine its height, (e.g., 4 feet high retaining wall must be set 16 feet minimum from property line). Decorative walls acting as retaining walls are permitted to be used in place of perimeter berms provided they comply with the Town's Tertiary Drainage Exhibit, applicable provisions of the ULDC, and the building code.

(C) Driveway retaining walls. Retaining walls, not exceeding two and one-half (2 ½) feet in height, shall be allowed for driveways to be located the minimum code-required horizontal distance, 5 feet from the property line, provided that:

- (1) An adequate drainage swale or berm is graded along the property line to contain the on-site stormwater run-off;
- (2) Retaining walls shall meet the applicable drainage district criteria;
- (3) Retaining walls shall not adversely impact the drainage of the adjacent property;
- (4) Retaining walls shall not be located within any easements; and
- (5) Retaining walls shall, and that they do not conflict with the Town's Tertiary Drainage Exhibit.

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(D) Decorative retaining walls. The town engineer and town administration shall consider retaining walls for decorative terrain features such as planters, waterfalls, patios and swimming pool amenities for permitting on a case-by-case basis.

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67 New 85-070 Maximum allowable fill elevations.

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(A) Purpose. The purpose of this section is to establish standards that govern the allowable height of fill that can be placed upon any portion of a lot.

(B) Definition. Fill is defined as material that is likely to retain its physical and chemical structure, and that will not leach contaminants when deposited into water, or as defined by Broward County Code. Fill material includes soil, rock and clean debris.

(C) The maximum slope ratio for all lots occupied by a single-family dwellings shall be 4:1 (4 horizontal to 1 vertical), except for perimeter berms, which shall be permitted to have 3:1 maximum slopes.

(D) The maximum slope ratio for all other lots shall be 3:1, except where this 3:1 slope conflicts with the requirements of any other jurisdictional agency.

(E) The maximum building pad elevation and maximum elevation adjacent to any structure shall be ten (10) feet N.G.V.D., except as provided in subparagraph (F), below.

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(F) An area up to ten (10) percent of the net acreage of a lot may be filled higher than ten (10) feet N.G.V.D., provided that:

- (1) No elevation shall exceed twelve (12) feet N.G.V.D.;
- (2) The slope criteria and adequacy of water management shall not be exceeded; and
- (3) No elevation exceeding ten (10) feet shall be located closer than forty (40) feet from any property line.

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SUPPLEMENTAL EXHIBIT B: INDEX OF PROPOSED CHANGES TO MUNICODE DRAFT

68 120-060

(A) All site plans shall expire unless:

(1) Complete applications for a building permit for all improvements as shown on the approved site plan have been submitted within twelve (12) months following the date of approval of the site plan; and

(2) Building permits for such improvements are issued within eighteen (18) months following the date of approval of the site plan; and

(3) Such building permits remains valid and in effect until a certificate of occupancy, or other equivalent approval is granted for the improvements.

(B) In lieu of the timeframes set forth in subsection (A), the Town Council may approve a phasing agreement for buildout of a site plan that includes multiple structures.

(1) The Council may approve a phasing agreement at any time prior to expiration of the site plan.

(2) A phasing agreement shall not allow more than three (3) years for the developer to obtain building permits for all improvements shown on the site plan, unless the terms of phased buildout are made part of a binding developer agreement between the Town and the developer.

(4) Approval of such a developer agreement with phasing provisions shall require the affirmative vote of four (4) councilmembers, with a specific finding that the there is a overriding public interest in allowing the buildout of the site plan to be phased.

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Deleted: An approved site plan shall be effective until the development is completed, but shall be null and void if a building permit for a principal structure is not issued within one (1) year from the date the site plan approval. The Town Council may grant one (1) extension not to exceed six (6) months duration upon demonstration of hardship and intent to proceed.

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**SUPPLEMENTAL EXHIBIT 2: FULL TEXT OF ULDC CHANGES MADE IN
MUNICODE DRAFT**

Revision Number	Section reference	Revision text	
1	005-080(B)	change eight to eighty	Formatted: No underline
2	005-090	Add: (E) <u>"The Town shall withhold issuance of permit or development orders when there are outstanding code violations on a property, and the property owner has not entered into an order of been placed into compliance by the Town . Development orders and permits necessary for correcting the violation are not subject to this provision. Any violation of a previously approved development order or permit, including any condition of approval attached thereto, shall constitute such a violation."</u>	Formatted: Underline Formatted: No underline Formatted: Indent: Left: 0", Hanging: 1.63", Tabs: 0.63", Left + Not at 2.13"
	005-120	Change second (C) to (D)	Formatted: Indent: Left: 0", Hanging: 1.63", Tabs: 0.63", Left + Not at 2.13"
3	005-160	The Town Council is hereby authorized and empowered to prescribe the width of roads, streets, alleys and other thoroughfares, and setbacks therefrom. <u>All plats, and new development shall be required to dedicate right-of-way or grant ingress and egress easement rights as necessary to satisfy the minimum width requirements of this Code for right-of-way, as a prerequisite of the approval for record. The Town in its sole discretion shall determine whether such dedication shall be in the form of dedication or easement. Minimum thoroughfare widths by road classification are established in Article 90 of these regulations. Thoroughfare widths for each existing road are established on the "section maps" prepared, and previously maintained, by the Broward County Department of Transportation - Office of Engineering prior to the incorporation of Southwest Ranches. The section maps, as may be amended or replaced from time to time by resolution of the Town Council, are hereby adopted as the Town of Southwest Ranches Right-of-Way Plan.</u>	Deleted: of lands Deleted: lying within Town limits Deleted: shall comply with Town thoroughfare width requirements
		The widths of state and county roads shall be as such may be prescribed by the Florida Department of Transportation and Broward County Trafficways Plan.	
4	005-230	<u>Reserved.</u>	Deleted: New development shall be required to dedicated right-of-way or grant ingress and egress easement rights, at the Town's choosing, as necessary to satisfy the minimum width requirements of this Code for right-of-way
5	005-270	A Town permit is required for any use of any rights-of-way and swales that involves installation, erection, placement or removal of any structure, object or landscaping material, earthwork, grading, paving, physical occupation, and any commercial or business use, including but not limited to, use of rights-of-way and swales to grow or store plants or material incidental to a plant nursery or other agricultural use for wholesale or retail. <u>Notwithstanding the aforementioned, mailboxes and newspaper tubes or boxes (intended to keep delivered newspapers dry) may be erected within a swale, subject to U.S. Postal Service regulations.</u>	Deleted: An application for a development permit may be deferred, denied, or approved with appropriate conditions, when the property is in violation of a condition of a previously approved development order.

**SUPPLEMENTAL EXHIBIT 2: FULL TEXT OF ULDC CHANGES MADE IN
MUNICODE DRAFT**

6	010-010	(R) The word "building code" shall mean the Florida Building Code, Broward County Edition, as may be amended from time to time.	
7	010-030		
8	010-030	<p><i>Building permit.</i> For purposes of concurrency/adequacy determination and required parking calculations, "building permit" means a permit required by the building code for the erection or construction of a new building, addition to an existing building, or change in occupancy that may require additional parking pursuant to Article 80, "Parking Requirements," or may impact services or facilities subject to concurrency requirements, including one or more additional dwelling units, or additional nonresidential building area.</p> <p>In any other context, the term refers to any permit required under the building code.</p>	<div>Deleted: 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.</div> <div>Deleted: B</div> <div>Formatted: Font: 11 pt</div> <div>Deleted: P</div> <div>Deleted: Florida</div> <div>Deleted: B</div> <div>Deleted: C</div> <div>Formatted: Font: 11 pt</div> <div>Deleted: , as may be amended from time to time,</div> <div>Formatted: Font: 11 pt</div> <div>Deleted: Florida B</div> <div>Formatted: Font: 11 pt</div> <div>Deleted: C</div> <div>Formatted: Font: 11 pt</div> <div>Deleted: , as may be amended from time to time</div> <div>Deleted: A residential building or buildings designed or altered to provide housing, food service, and personal services to persons unrelated to the owner or manager of the facility, including such supervision 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.</div>
9	010-030	<i>Community residential facility.</i> A "special residential facility" as defined in the adopted comprehensive plan, as may be amended from time to time.	
10	010-030	<i>Floor area, gross under roof.</i> The gross horizontal area of all the floors under roof, whether or not enclosed, but excluding roof overhangs (eaves) projecting no more than four (4) feet from the exterior walls.	
11	010-030	<i>Grade, established or finished.</i> The elevation of land above mean sea level (NVGD 1929), in its final, graded condition.	
12	010-030	<i>Guest house.</i> A structure or any part of a structure ancillary to a detached single-family dwelling unit, excluding mobile homes, and located on the same plot as the principle dwelling unit, that is occupied or designed, in whole or in part, as the temporary residence or living quarter of one (1) or more persons. This definition shall include any such living quarter that is connected to the principal dwelling unit by an open or enclosed breezeway or other structure that serves to merely connect the guest quarter to the principal dwelling, as contrasted with a customary home addition that is physically and functionally integral to the principal dwelling. If a temporary or permanent residence or living quarter does not meet the definition of "guest house," it shall be deemed to be a dwelling unit for purposes of density calculation.	
13	WITHDRAWN		
14	010-030	<i>Nonprofit neighborhood social and recreational facility.</i> An accessory building or plot of land devoted entirely to providing customary social activities and/or recreation facilities only for the	<div>Formatted: Underline</div> <div>Formatted: Underline</div> <div>Deleted: ¶</div> <div>Deleted: services</div>

**SUPPLEMENTAL EXHIBIT 2: FULL TEXT OF ULDC CHANGES MADE IN
MUNICODE DRAFT**

		residents, and their guests, of the subdivision where the building or plot is located.	Deleted: or neighborhood
15	010-030	<u>Personal services.</u> Establishments where the principal use is engaged in the repair, care of, maintenance or customizing of personal properties that are worn or carried about the person or are a physical component of the person. Personal services shall include, but need not be limited to, barber shops, beauty shops, dry cleaning and other garment servicing establishments, tailors, dressmaking shops, shoe cleaning or repair establishments, and other similar places of business.	
16	WITHDRAWN		Formatted: Font: Bold, Font color: Blue
17	010-030	<u>Portable storage unit.</u> Any container designed for the storage of personal property which is typically rented to owners or occupants of residences or businesses for their temporary use, and which may be delivered to a residence or business and later retrieved from the premises by vehicle and stored in a commercial storage facility until needed by the renter. Portable storage units shall not include shipping containers located upon a plot as a permissible accessory structure.	
18	010-030	<u>Shipping container.</u> Any heavy-gauge steel container originally designed for transporting cargo on a marine freighter vessel, flatbed truck or flatbed railroad car, or a container manufactured to the same strength and weight specifications that is similar in design or function to such a container, but excluding a portable storage unit.	
19	WITHDRAWN		Formatted: Font: Not Bold
20	015-100	(7) Lighting, subject to Article 95, "Outdoor Lighting Standards," provided that any freestanding lights within a rural or agricultural zoning district shall be no taller than eight (8) feet above the established grade.	Deleted: 010-030 . Vehicle and equipment, agricultural. Any operable vehicle and equipment necessary for conducting a permitted agricultural or equestrian use. Landscape maintenance equipment used on the plot (ex: lawn tractor) is also included in this definition, but landscape and lawn maintenance vehicles associated with a business that provides such services off-site are not included
21	045-030	(A) <u>Fences, walls and hedges.</u> Fences and walls, not including entrance features, shall be permitted to a maximum height of eight (8) feet above the established grade within any required yard, and in any location on a residential or agricultural plot, provided that a fence enclosing a tennis court or other customary enclosure may be higher if located outside of a required yard.	Formatted: Font: Bold, Font color: Blue
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22	045-030(C)(2)a.	<u>Storage on construction sites.</u> Equipment and materials required for construction of a building and related land preparation and infrastructure construction, may be stored on the site of the construction from the date of building permit issuance to the date of construction completion, provided that all	

**SUPPLEMENTAL EXHIBIT 2: FULL TEXT OF ULDC CHANGES MADE IN
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required permits remain valid for the duration of the project. Construction equipment on a private property construction site may be stored anywhere within a plot, and without the need for screening or enclosure. Storage of construction equipment and materials used for utility installation or road construction purposes may be stored on a swale adjacent from the date of construction permit issuance to completion of construction.

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**Staff recommends deleting
the underlined language from the
Codification Ordinance.**¶

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24 045-030(G)

- (1) A guest house shall not be permitted on plots smaller than thirty-five thousand (35,000) square feet in net area.
- (2) For privately owned plots of at least thirty-five thousand (35,000) square feet and up to and including forty-three thousand, five hundred-sixty (43,560) net square feet, guest homes shall not exceed six hundred (600) square feet of gross floor area under roof, whether or not fully enclosed.
- (3) For privately owned plots greater than forty-three thousand, five hundred-sixty (43,560) net square feet, guest homes shall not exceed twelve hundred (1,200) square feet of gross floor area under roof, whether or not fully enclosed.
- (4) Only one (1) guest house shall be permitted per plot, and it may not be rented, leased or sold separately from the overall property. A guest house shall not contain, nor be designed to contain, a stove or range, a dishwasher, or more than one (1) refrigerator.
- (5) Portable cooking equipment such as microwave and toaster oven are not considered to be range or cookstove. In no event shall a guest house be considered a dwelling unit, as defined herein. A guest house shall not have a separate mailing address or electrical meter.

25 045-030(I)

Easements. No permanent structure, including but not limited to, wood and chain link fences, shall encroach upon or into any easement of record unless easement agreements have been executed and permits issued, by the Town of Southwest Ranches and all persons with easement rights. No structure or use of any type shall encroach upon or obstruct access through any easement specifically granted for exclusive ingress or egress purposes to and from adjacent properties without the written consent of all beneficiaries of the easement and the Town.

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fencing,

26 045-030 Add:

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(S) Community residential facilities shall be subject to the Special Residential Facilities provisions of the comprehensive plan.

(T) Rural and Agricultural districts are subject to the applicable provisions of Article 15 "General Provisions".

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045-050

1-family detached dwellings	P	P	P	P
Nonprofit neighborhood social and recreational facilities	P	P	P	P
Community residential facilities [subject to Sec. 045-030(S)]	P	P	P	P

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27 045-070(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

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d. Is exempted from the minimum plot size requirement under the "Developed Areas" provision of the Comprehensive Plan; or

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e. Was of public record as of July 14, 2005 and became nonconforming as a result of Town of Southwest Ranches Ordinance Number 2006 - 06, which excluded access easements and reservations from counting towards net plot area; or

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f. Was of public record as of March 2nd, 2006 and became nonconforming as a result of Town of Southwest Ranches Ordinance Number 2006-06, which excluded drainage canals and lakes from counting towards net plot area; and

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**SUPPLEMENTAL EXHIBIT 2: FULL TEXT OF ULDC CHANGES MADE IN
MUNICODE DRAFT**

g. Has not at any time subsequent to May 8, 2003, been under common ownership with a contiguous lot or lots that, if combined, would form a single conforming lot (this provision does not apply to "Developed Areas" under d., above).

- (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, d, e or, f, and subject to g., 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 satisfy one of the six (6) exceptions listed below, and subparagraph g.:

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

1. Were of public record prior to September 18, 1979; and
2. Have not been at any time since September 18, 1979, contiguous with another plot or plots in common ownership which could be combined into a single plot of at least one (1) gross acre.

or

b. Are included within an approved plat in which the average density is not more than one (1)-dwelling unit per gross acre, as defined in the Comprehensive Plan; or

c. Comply with requirements of exemptions for "Developed Areas" specified in the Comprehensive Plan; or

d. Were of public record as of July 14, 2005 and became nonconforming as a result of Town of Southwest Ranches Ordinance Number 2006-06, which excluded access easements and reservations from counting towards net plot area; or

e. Was of public record as of March 2nd, 2006 and became nonconforming as a result of Town of Southwest Ranches Ordinance Number 2006-06, which excluded primary electrical transmission easements, as well as drainage canals and lakes from counting towards net plot area; or

f. When a plot which was recorded prior to January 1, 1973, and contained thirty-five thousand (35,000) square feet or more in area was reduced in size due to dedication for right-of-way, the resulting plot need be no larger than one hundred twenty-five (125) feet in width and thirty thousand (30,000) square feet in net area. Said plot shall not be further subdivided; and

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**SUPPLEMENTAL EXHIBIT 2: FULL TEXT OF ULDC CHANGES MADE IN
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g. Has not at any time subsequent to May 8, 2003, been under common ownership with a contiguous lot or lots that, if combined, would form a single conforming lot (this provision does not apply to "Developed Areas" under (c), above.

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- 28 050-030(G) (5) Any yard abutting an agricultural or rural district, shall have a minimum dimension of fifty (50) feet in the CB District.....

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Identical language (see below) was added to each of the following three sections

- 29 050-030 Add(L)
30 055-030 Add(O)
31 060-020 Add(M)

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One (1) mobile home may be placed upon a plot to be used as a construction office, upon issuance of a building permit for the construction of a building or addition thereto. Such mobile home may not be utilized for dwelling purposes. The mobile home shall be removed from the property prior to issuance of a Certificate of Occupancy or after one (1) year, whichever occurs first. The Town Administrator may grant one (1) extension for a maximum six (6) months, upon petition from the property owner, provided the petition demonstrates unexpected hardship, and steady construction progress, such that construction can reasonable be completed within the six (6) month extension period. A decision of the Town Administrator to deny the request for extension may be appealed to the Town council subject to the requirements of Article 135, Appeals of Administrative Decisions." Placement of the mobile home shall be in compliance with all minimum yard requirements.

- 32 050-050(A) Minimum plot size.

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

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- 33 060-030 Places of worship [see Sec. 060-060 and 060-090(E)]

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- 34 060-050 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 distance of one thousand (1,000) feet from any other property with CF zoning and any nonresidential, non-agricultural land use, measured pursuant to Sec. 005-190, "Separations and other measurements."

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- 35 060-090 Add:
(E) The temporary storage of shipping containers or tractor trailers is permitted as an accessory use to a developed plot within the CF District, having loading dock facilities designed for

**SUPPLEMENTAL EXHIBIT 2: FULL TEXT OF ULDC CHANGES MADE IN
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semi-trailer deliveries, which facility is collecting goods for the distribution to the needy or for individuals recovering from a natural disaster. Notwithstanding the aforesaid, the number of containers or trailers, in aggregate, shall not exceed five (5) at any given time. Said containers and/or trailers shall not exceed twenty-seven hundred (2,700) cubic feet capacity and nine and one-half (9.5) feet in height.

36 070-020 Building frontage. A wall extending the length of the building, or portion thereof occupied by a single tenant, facing a public street or parking lot.

37 Frontage. The total distance along any public street line.

Primary or principal frontage. That building frontage designated by the owner/occupant to be the primary frontage when the business has more than one building frontage.

Street frontage. The length of property lines, or portions thereof, that are coincident with public streets.

38 070-050(A) (7) For building, wall, parapet, facade, graphic, individual letter, pylon, and roof signs, each building frontage and height of each building wall, parapet, facade or pylon, or silhouette of the building for which signage is proposed;

(8) For window signs, the building frontage and height of the building wall, parapet, facade or pylon within which window signage is proposed; the area of all windows, and the area of such windows to be used for signs; and

39 070-070 ****Staff recommends that new Subsection (C) be adopted as amended below with bold print showing added words and strike thru showing deleted words.****

Add:

(C) Flags. Display of flags in the CF, M and CB districts is permitted subject to the following regulations.

(1) There shall be no more than one flagpole per lot in the rural and agricultural districts, and no more than two (2) flagpoles per lot of in all other districts.

(2) Setbacks for flagpoles shall be the greater of the required setback for principal structures or one-half (1/2) of the flagpole height;

(3) There shall be no more than one flag per wall-mounted flagpole, and two (2) flags per freestanding flagpole;

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**SUPPLEMENTAL EXHIBIT 2: FULL TEXT OF ULDC CHANGES MADE IN
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		(4) No flag shall be longer than five (5) seven (7) feet in its longest dimension.	Formatted: Strikethrough
40	070-080	(A) <i>Building wall signs, graphic signs, canopy signs, marquee signs, pylon signs or roof signs.</i> (1) Letters, cabinets or borders shall not exceed the height of any canopy or marquee upon which the sign is affixed; (2) The maximum length of signage <u>upon any building frontage</u> shall not exceed eighty (80) percent of the building frontage; and (3) The total <u>signage</u> area shall not exceed twenty (20) percent of the <u>facade area of the primary building frontage</u> .	Formatted: Indent: Left: 0", Hanging: 1.63", Tabs: 0.63", Left Deleted: area of the Formatted: Font: 11 pt Deleted: aggregate Deleted: for identification of each
41	070-090(F)	(2) One (1) building wall sign, graphic sign, canopy sign, awning sign, or pylon sign <u>per tenant building frontage, not to exceed a total of three (3) building frontages, which may be illuminated by any means specified in Sec. 070-070, "General Requirements for Permanent Signs."</u> Individual letter signs may only be internally illuminated;	
42	070-090(G)	 (8) One (1) building wall sign, graphic sign, canopy sign, <u>marquee sign, awning sign or pylon sign per building frontage, not to exceed a total of three (3) building frontages.</u> Signs may be illuminated by any means specified in Sec. 070-070, General requirements for permanent signs, <u>provided that individual letter signs may only be internally illuminated."</u>	Deleted: (2) . One (1) of the following for each occupant: ¶ Deleted: a. . Canopy sign¶ ¶ Deleted: b. . Marquee sign¶ ¶ Deleted: c. . Pylon sign¶ ¶ Deleted: d. . Awning sign Deleted: 9 Deleted: for identification of the tenant(s) Deleted: to residential
43	075-070(D)	<i>Perimeter buffer adjacent <u>rural, agricultural and open space zoning and use.</u> Any nonresidential use that is contiguous to, or separated only by a FPL primary transmission easement or right-of-way from a <u>rural, agricultural or recreation and open space zoning district, or residential, agricultural or open space plot line,</u> shall provide the landscape buffer described in (B)(2) above, which shall extend along the entirety of the common plot line.</i>	Deleted: residential
43a	080-060(D)	<u>Assembly areas without seating affixed to the floor shall be deemed to have a seating capacity equal to the maximum occupancy capacity allowed by the Florida Fire Prevention Code for such assembly area.</u>	Deleted: ¶

**SUPPLEMENTAL EXHIBIT 2: FULL TEXT OF ULDC CHANGES MADE IN
MUNICODE DRAFT**

44	080-070(B)(2)	Auditorium: 1.0 per <u>3</u> seats plus 1.0 per 200 square feet of non-assembly area.	<div>Deleted: Athletic field seating, a</div> <div>Deleted: 4</div> <div>Deleted: fixed</div> <div>Deleted: not having fixed seating</div>
45	080-070(B)(4)	Private club, lodge, union hall: 1.0 per 100 square feet of gross floor area or per 3 seats in the assembly area, whichever results in a greater parking requirement.	
46	080-070(B)(7)	Theater: 1.0 per each <u>3</u> seats	<div>Deleted: 4</div>
47	080-070(D)(9)	Athletic field and sports court spectator seating: 1.0 per each <u>3</u> seats plus 1.0 per <u>200</u> square feet of gross floor area for non seating areas.	<div>Deleted: 5</div> <div>Deleted: 250</div> <div>Deleted: of buildings on site</div>
48	080-070(E)(6)	Funeral home, mortuary: 1.0 per each <u>3</u> seats; 25 minimum spaces	<div>Deleted: 4</div>
49	090-080(C)	(3) Both individual and shared access to landlocked parcels must meet the following conditions: a. The base course and wearing surface materials and specifications shall be as specified in the Figure 90-2,	<div>Formatted: Indent: Left: 0", Hanging: 1.63", Tabs: 0.63", Left</div> <div>Deleted: 1</div>
50	090-100	Table 90-1. Corner chord requirements.	
51	090-100,	Change reference: "Typical Streets Spacing Pursuant to Table 90-5 provisions of Sec. 90-100, <u>E(1)</u>	<div>Deleted: (D)</div>
52	095-030(A)	Uplighting, unless limited to <u>eighteen hundred (1800)</u> lumens and either shielded by an architectural overhang or landscape element, or used to illuminate the flag of the United States of America.	<div>Deleted: [TBD by lighting engineer]</div>
53	100-030(C)	<i>Sign notices.</i> The petitioner shall be responsible for posting a sign along each property line of the subject property with street frontage for the following applications: land use plan amendments, zoning map amendments, variances, and site plans. The notice shall be posted so as to be visible from each public right-of-way <u>abutting the subject property</u> , and shall be at least six (6) square feet in area. The sign shall state the nature of the request and the phone number to call for further information. The Town Administrator shall provide the applicant with the specific language required to appear on the sign for each application. Petitioner shall provide proof of sign posting no later than <u>one (1) business day</u> following the required posting date required by Sec. 100-040, "Timing of public notice." Proof shall consist of one (1) or more photograph(s) of the sign placed upon the site, as necessary to demonstrate the	<div>Deleted: the</div> <div>Deleted: the</div> <div>Deleted: s</div> <div>Deleted: three</div> <div>Deleted: 3</div> <div>Deleted: s</div> <div>Deleted: ,</div> <div>Deleted: but in no case fewer than seven (7) days prior to the date of the public hearing</div>

**SUPPLEMENTAL EXHIBIT 2: FULL TEXT OF ULDC CHANGES MADE IN
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location of the real property upon which the sign is posted, and the exact location of the sign upon the property. A notarized affidavit, signed by the petitioner or sign company responsible for posting the sign, shall accompany the photographs. Other proof may be provided if acceptable to the Town Administrator.

54	100-040(A)	All advertising timeframes established in this Section shall be the minimum advertising timeframes established by Florida law, as may be amended from time to time, <u>but in no case fewer than seven (7) days prior to a public hearing.</u>	Formatted: Heading 2 + Hanging 1.5, Left, Indent: Left: 0", Hanging: 1.63", Tabs: 0.63", Left
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55	100-070	(A) Inaction by an applicant exceeding one-hundred eighty (180) days during the application review process, shall be deemed a withdrawal of the application, unless the applicant files a request for extension. The Town may approve a request for extension not to exceed ninety (90) days, only upon a determination the applicant has been making a diligent effort to proceed with the application review and approval process but has been hampered by extenuating circumstances.	Formatted: Normal (Web), Indent: Left: 0", Hanging: 1.63", Tabs: 0.63", Left Deleted: , including failure to supply additional information the Town deems necessary for continued review and failure to submit revisions in response to Town development review comments,
		(B) Inaction by an applicant is deemed to include: (1) <u>Failure to supply additional information the Town deems necessary for continued review;</u> (2) <u>Failure to submit revisions in response to Town development review comments;</u> (3) <u>Failure to proceed with a public hearing within three (3) months following a deferral to a date and time uncertain, whether or not the deferral was initiated by the Town Council or at the request of the applicant; and</u> (4) <u>Requests for more than two (2) deferrals that are granted by the Town Council.</u>	Formatted: Indent: Left: 0", Hanging: 1.63", Tabs: 0.63", Left
		(C) Applications that are deemed withdrawn shall be subject to any reapplication fee determined by the Town for such applications, and shall include resubmittal of an application and all other required application documents. An applicant's written request to proceed to the Town Council for a public hearing on the basis that the applicant believes the submittal complies with the ULDC, <u>despite a Town administrative determination to the contrary,</u> shall not be considered inaction.	Formatted: Heading 2 + Hanging 1.5, Left, Indent: Left: 0", Hanging: 1.63", Tabs: 0.63", Left Deleted: An application for a development permit may be deferred, denied, or approved with appropriate conditions, when the property is in violation of a condition of a previously approved development order
56	100-090	√ (Formatted: Indent: Left: 0", Hanging: 1.63", Tabs: 0.63", Left

**SUPPLEMENTAL EXHIBIT 2: FULL TEXT OF ULDC CHANGES MADE IN
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57	110-070(C)	In addition to (B), above, <u>he applicant shall demonstrate,, prior</u> to the issuance of the development order, that	Deleted: a town development order for _ shall require
58	115-030(A)	(12) The following language shall precede the area for the <u>Mayor's signature on the plat:</u> "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."	Deleted: Director's
59	120-010	Approval of a site plan or site plan modification is required prior to any development of land in the Town, except as follows: (A) Excavation, and the deposit and contouring of fill on land. However, a permit is required under Sec. 005-080, "Permits required," prior to any such activity. (B) Development of up to four (4) single-family residences on adjacent plots if all of the following conditions are met: (1) No additional or expanded infrastructure is required or proposed in connection with the proposed development, excluding sanitary sewer and water line connections to existing infrastructure for service to individual plots; (2) No subdivision sign or community entry feature is proposed; (3) No private, commonly owned and/or maintained areas are required or proposed, including but not limited to, <u>streets,</u> landscaping areas, recreation areas, open space areas, and drainage features, <u>but excluding access that is provided</u> <u>pursuant to Section 090-080(C)(2) for plots without direct</u> <u>frontage on a public or private street;</u>	
60	120-050	If an applicant's development plans change after receiving site plan approval, the applicant shall file an application for revised site plan approval with the Town Administrator for Town Council consideration, unless Sec 120-010(C) exempts the proposed modification from this process.....	Deleted: D
61		<u>WITHDRAWN AND REPLACED WITH NUMBER 68.</u>	Formatted: Indent: Left: 0", Hanging: 1.63" Formatted: Indent: Left: 0" Formatted: Indent: Left: 0", Hanging: 1.63", Tabs: 0.63", Left
62	140-040(B)	(4) That the variance proposed is the minimum variance that will make possible the reasonable use of the property and it will not	

**SUPPLEMENTAL EXHIBIT 2: FULL TEXT OF ULDC CHANGES MADE IN
MUNICODE DRAFT**

confer on the property any special privilege that is denied to any
other properties in the same zoning district;

63 035-040(J)(K)(O) Specific dollar amounts for required liability insurance and performance bonds deleted
 035-050(B)(8)(9)
 035-050(E)(1)
 035-070(J)
 050-080(J)(3)
 055-080(E)(3)

64 See the last three pages of this document.

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SUPPLEMENTAL EXHIBIT 1: INDEX AND SUMMARY OF CODE CHANGES IN MUNICODÉ DRAFT

Revision #	Section Reference	Section Title	Explanation of Revision	Reason for Revision
1	005-080(B)	Expiration of Permits and Development Orders	Change "one hundred eight days **180" to "one hundred eighty (180) days"	Typo. The text did not match the number.
2	005-090(E)	Compliance Required	Requires the Town to withhold issuance of development approvals when there is an outstanding code violation for the same property on the application. Also establishes that a violation of any condition of a prior development order is a violation of the code itself.	It is problematic for the Town to issue development approvals when there are code violations on the property that haven't been addressed. Development orders that will correct the violation are not subject to the preemption on issuance of additional approvals.
3	005-160	Authority of Town Council to Establish Widths of Thoroughfares, Setbacks, Dedications Required	Establishes the Town's existing street section maps as the de-facto streets plan for determining whether dedications are required for new development.	The Town has used the existing street section/right-of-way maps as a guide for minimum right-of-way widths ever since incorporation, because the Town has not pursued its own streets master plan. Until the Town adopts its own streets plan, the existing section map series needs to be adopted by reference as the official streets plan.
4	005-230	Violation of Development Order Conditions	Delete this provision.	Replaced by revision number 2, above.
5	005-270	Use of Rights-of-Way and Swales	Recognizes that mail boxes are permitted in swales in compliance with postal regulations.	The existing provision does not recognize mailboxes as permitted structures within swales.
6	010-010	General Construction of Terms	Add reference for <i>building</i> code.	The new reference tells the reader that the term <i>building</i> code means Florida Building Code, Broward Edition, as amended.
7	010-030	Terms defined	Delete the definition for the term <i>alley</i> .	The term <i>alley</i> does not apply within the Town. The definition is an urban remnant from the former county zoning code.
8	010-030	Terms defined	Amend the definition of <i>building permit</i> .	The revision is for consistency with revision 6, above.

SUPPLEMENTAL EXHIBIT 1: INDEX AND SUMMARY OF CODE CHANGES IN MUNICODE DRAFT

Revision #	Section Reference	Section Title	Explanation of Revision	Reason for Revision
9	010-030	Terms defined	Amend the definition for <i>community/residential facility</i> .	The ULDC provides no occupancy, licensure of locational standards for such facilities (a.k.a. group homes, assisted living facilities, etc.). The governing standards are within the Comprehensive Plan. This amendment defers to the definitions and provisions within the Comprehensive Plan.
10	010-030	Terms defined	Define the term <i>gross floor area under roof</i> to include all area under roof except for roof overhangs (eaves) projecting up to four (4) feet from the exterior walls.	The term is already used to limit the size of guest homes, but is not defined. The definition allows guest homes to have eaves of customary dimension without counting them towards maximum floor area.
11	010-030	Terms defined	Amend the definition of the term <i>grade</i> .	The change is consistent with the original intent to count garages, roofed patios, storage rooms, etc. towards maximum guest house floor area, but not to penalize a property owner for designing an energy efficient and aesthetically pleasing roof line.
12	010-030	Terms defined	Amend the definition of the term <i>guest house</i> .	Grade is the elevation above mean sea level. Mean sea level changes over time, so an official (standard) survey reference is being added.
13				The code defines a guest house as a unit being <i>occupied</i> as temporary living quarter, regardless of whether it is presently unoccupied but <i>designed to be occupied</i> as a temporary living quarter. Under the revised definition, if permit plans are submitted for a building that is clearly <i>designed</i> as a guest house but labeled, for example, as a ceramic studio (with living room, bedrooms and partial kitchen), the plans would be reviewed under the guest house regulations based upon its <i>design</i> , in order to avoid a near-future and long-term code violation in the making.
14	010-030	Terms defined	Amend the definition of the term <i>nonprofit neighborhood social and recreational facility</i> .	WITHDRAWN
15	010-030	Terms defined	Define the term <i>personal services</i> .	The term is meant to apply to community centers common in urban areas, as well as subdivision amenities like private clubhouses, tennis courts, etc. The revision clarifies that these facilities are subdivision amenities.
16				<i>Personal services</i> is a listed business use, but is not defined.

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Deleted: Amend the definition of the term <i>kernel</i> to include boarding/breeding of household pets in residences
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Deleted: Define the term <i>plant nursery</i> to exclude lawn maintenance businesses and mulching operations.

SUPPLEMENTAL EXHIBIT 1: INDEX AND SUMMARY OF CODE CHANGES IN MUNICODE DRAFT

Revision #	Section Reference	Section Title	Explanation of Revision	Reason for Revision
17	010-030	Terms defined	Amend the definition of the term <i>portable storage unit</i> .	Clarifies that portable storage units are temporary structures that can be of any shape, which differentiates them from shipping containers, which are permanent accessory structures with more specific structural characteristics.
18	010-030	Terms defined	Amend the definition of the term <i>shipping container</i> .	Provides a more complete definition of the term, to ensure the solid construction and design that makes these structures safe when placed upon a lot.
19				WITHDRAWN
20	015-100	Yard Encroachments	Clarify that eight (8) foot height restriction for light poles applies only to rural and agricultural districts.	This provision prohibits parking lot lighting within required yards. This height limit was intended to apply to residential and agricultural properties whose maximum fence or wall height within a required yard is eight (8) feet. This provision, as is, eliminates the ability of community facility properties to place parking within the required yards while also meeting the no-spillover lighting requirements.
21	045-030(A)	Fences, Walls and Hedges	Clarifies that the eight (8) foot height restriction applies only to required yards.	Fences and walls exceeding eight (8) feet in height are customary outside of required yards, in the form of tennis court fences and privacy walls outside of a bathroom or enclosing part of a courtyard, for example. The existing language prohibits these customary features.
22	045-030(C)(2)a.	Storage of Construction Equipment and Materials, Rural & Agricultural Districts	Clarifies that road construction and utility installation equipment can be stored only on swales adjacent to the work area.	The existing language did not specify that the equipment can be stored only on swales adjacent to construction within the right-of-way during the construction period.
23				WITHDRAWN
24	045-030(G)	Guest Homes, Rural & Agricultural Districts	Guest house provisions; adds the word <i>net</i> to <i>plot area</i> .	The code requires 35,000 s.f. of plot area for a 600 s.f. guest house, and at least a full acre of plot area for a 1,200 s.f. guest house. However, without the addition of the word <i>net</i> , the language could refer to gross lot area, which was never intended.

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SUPPLEMENTAL EXHIBIT 1: INDEX AND SUMMARY OF CODE CHANGES IN MUNICODE DRAFT

Revision #	Section Reference	Section Title	Explanation of Revision	Reason for Revision
25	045-030(I)	Easements, Rural & Agricultural Districts	Allows fences and walls within easements if several conditions are satisfied.	The code does not allow any structure to encroach within an easement. Residents routinely apply for fence or wall permits that cannot be approved because there are utility easements along the perimeter of the property, despite approval from the utility companies and drainage district. Technically, this provision also prohibits driveways from crossing over easements.
26	045-030(S)	General Provisions Rural & Agricultural Districts	Replaces the existing subsection (S) with a missing reference, then re-labels the existing (S) as subsection (T)	There have been similar situations with regard to a property owner wishing to erect a fence along the outside edge of a private ingress/egress easement that otherwise satisfies all requirements of the code, but again, cannot be approved.
27	045-50 045-070(A)(2g) 045-070(B) 045-070(C)(1g)	Uses Permitted Minimum Plot Size and Dimensions	Inserts missing language Inserts missing language Inserts missing language and clarifying punctuation	Community residential facility is listed as a permitted use, but there is no language referring the reader to the comprehensive plan for detailed provisions. The revision inserts the language from the Comprehensive Plan, that must be included in the ULDC, prohibiting construction on an undersized lot unless the lot has not at any time after to May 8, 2003, been under common ownership with a contiguous lot(s) that, if combined, would form a single conforming lot.
28	050-030(G)	General Provisions for Commercial Districts	Deletes erroneous reference	The minimum yard requirement was subject to another referenced provision that does not exist.
29	050-030(L)	CF District General Provisions	Allows one mobile home to be used as a construction office during major construction.	The code allows the use of a mobile home for a construction office during construction of a residential subdivision, but does not make the same allowance for nonresidential zoning districts, despite an equal need.
30	055-030(O)	General Provisions: Commercial Districts	Same as above	Same as above
31	060-020(M)	Industrial District General Provisions	Same as above	Same as above
32	050-050	Minimum Plot Size: Commercial Districts	Inserts missing word	The section is intended to establish <i>minimum</i> plot sizes, but the word <i>minimum</i> is missing.

SUPPLEMENTAL EXHIBIT 1: INDEX AND SUMMARY OF CODE CHANGES IN MUNICODRAFT

Revision #	Section Reference	Section Title	Explanation of Revision	Reason for Revision
33	060-030	Permitted Uses: Community Facility District	Inserts missing section reference	Places of worship are permitted subject to sec. 060-060 and sec. 060-090(E)
34	060-050	Distance Separation: Community Facility District	Corrects an incorrect section reference	The reference to sec. 005-200 should instead read sec. 005-190.
35	060-090(E)	Limitations Of Use: Community Facility District	Relocates incorrectly placed language.	Council added language "on the fly" during an ordinance public hearing, pertaining to keeping of tractor trailers and shipping containers for a particular CF property. The resulting language was put into the code, but not in the correct place.
36	070-020	Definitions: Sign Regulations:	Corrects a problematic definition of the term <i>building frontage</i>	A commercial tenant's shop frontage is used to calculate allowable signage area. The existing definition carried over from the county zoning code allows signage only where there is a public entrance to the establishment, and does not recognize that a corner storefront or storefront with two public frontages has a legitimate need for signage on both frontages, even though only one storefront has a public entrance. The revision adds a requirement that frontages eligible for signage must face a public street or parking area.
37	070-020	Definitions: Sign Regulations:	Clarifies that the term <i>frontage</i> pertains only to public streets. Adds a definition for the term <i>street frontage</i> .	Clarifies that frontage, for the purpose of defining which facades are allowed signage, only applies to public streets, not internal shopping center streets. Adds a definition for the term <i>street frontage</i> , which is used throughout the sign code, but not defined.
38	070-050(A)(7),(8)	Sign Permits	Clarifies a signage permit submittal requirement	Eliminates the requirement for a retail tenant to submit elevation drawings for which signs are not proposed.
39	070-070(C)	General Sign Requirements for Permanent Signs; Flags	Adds subsection (C) to address display of flags.	There is a reference to flag display provisions in the code that was carried through from the Broward County Zoning Code. However, there are no such regulations in the sign code. Subsection (C) is added to provide very basic regulations for flag display.

SUPPLEMENTAL EXHIBIT 1: INDEX AND SUMMARY OF CODE CHANGES IN MUNICODÉ DRAFT

Revision #	Section Reference	Section Title	Explanation of Revision	Reason for Revision
40	070-080(A)	Basic Design Schedule for Nonresidential Signs	Reduces the maximum size of wall signs.	The maximum area of wall signage is limited to twenty (20) percent of a facade. By current industry standards in South Florida, 20 percent is a generous signage allowance. This existing subsection allows a single sign to occupy more than 20 percent of a building facade if the business has more than one building frontage eligible for signage, because it allows the business to concentrate signage on a particular facade.
				The revision does not allow a sign to occupy more than 20 percent of a facade.
41	070-090(F)(2)	Permitted Permanent Signs for Shopping Centers....	Allows signage on each eligible facade	The existing code provision allows only one wall sign for each tenant, regardless of the number of exposures (frontages) the tenant has (ex: corner businesses). The revision allows one wall sign per eligible tenant frontage, as has been the practice of Broward County and Davie in approving signage for Coquina Plaza prior to the Town's incorporation.
42	070-90(G)(2) 070-90(G)(9) 070-90(G)(10)	Permitted Permanent Signs for One and Two-Occupant Commercial Properties & Shopping Center Outparcels...	Same as above Also, eliminates a redundancy and makes illumination requirements consistent with shopping centers.	070-090(G)(9): same as above. 070-090(G)(2) [as formerly numbered]: deleted because it was a redundant allowance for canopy, pylon, and awning signs. 070-090(10): channel letter signs in shopping centers must be internally lit, but the same requirement does not apply for outparcels to a shopping center. The revision treats channel letter signs for outparcels and shopping centers the same.
43	075-070(D)	Perimeter Buffer Adjacent to Rural, Agricultural and Open Space Use	Revises the catchline and corrects an erroneous reference.	The title currently reads, "Perimeter buffer adjacent to residential and open space zoning and use." The revised title is more accurate, as it refers to rural and agricultural use and zoning. Also corrects a reference that currently reads (2) but should actually read (B)(2).
43a	080-060(D)	Calculating Required Parking: Measurements	Provides for seating capacity calculation in the absence of fixed seating	There is no methodology provided in the code for determining the seating capacity of an assembly area without fixed seating. The revision references the Fire Prevention Code occupancy standards.
44	080-070(B)(2)	Amount of Required Off-Street Parking	Increase parking requirement for auditoriums from 1 space per 4 seats to 1 space per 3 seats.	The parking requirement for this use must be the same as for other places of assembly, which have a requirement of one (1) parking space for each three (3) seats. <u>Note</u> : "athletic field seating" is moved from here to (D)(9), as it was repeated and internally inconsistent

SUPPLEMENTAL EXHIBIT 1: INDEX AND SUMMARY OF CODE CHANGES IN MUNICODE DRAFT

Revision #	Section Reference	Section Title	Explanation of Revision	Reason for Revision
45	080-070(B)(4)	Amount of Required Off-Street Parking	Increase parking requirement for private clubs, lodges, union halls from 1 space per 4 seats to 1 space per 3 seats.	The parking requirement for this use must be the same as for other places of assembly, which have a requirement of one (1) parking space for each three (3) seats.
46	080-070(B)(7)	Amount of Required Off-Street Parking	Increase parking requirements for theatres from 1 space per 4 seats to 1 space per 3 seats.	The parking requirement for this use must be the same as for other places of assembly, which have a requirement of one (1) parking space for each three (3) seats.
47	080-070(D)(9)	Amount of Required Off-Street Parking	Increase parking requirements for athletic field and sports court spectator seating from 1 space per 5 seats to 1 space per 3 seats.	The parking requirement for this use must be the same as for other places of assembly, which have a requirement of one (1) parking space for each three (3) seats. <u>Note:</u> "sports court spectator seating" is added to athletic fields, as there is no standard for this use.
48	080-070(E)(6)	Amount of Required Off-Street Parking	Increase parking requirements for funeral homes from 1 space per 4 seats to 1 space per 3 seats.	The parking requirement for this use must be the same as for other places of assembly, which have a requirement of one (1) parking space for each three (3) seats.
49	090-080(C)(3)	Access to Development	Corrects a typo	Reference to Figure 90-1 should be 90-2.
50	090-100	Table 90-1	Corrects a typo	"h" is missing from the word <i>chord</i>
51	090-100	Table 90-5	Correct erroneous reference	The fifth line from the top refers to sec. 90-100(D) but should instead refer to sec. 90-100(E)(1).
52	095-030(A)	Prohibited Outdoor Lighting: Uplighting	Inserts the maximum number of lumens for uplighting	The ordinance of record that established the Town's new lighting standards did not include this information.
53	100-030(C)	Minimum Required Content for Public Hearing Notifications: Sign Notices	<ul style="list-style-type: none"> • Corrects immaterial typos. • Clarifies the number of signs that must be posted. • Requires applicant to submit proof of posting one day after the posting deadline. 	<ul style="list-style-type: none"> • The provision is not clear that sign posting, to advertise a public hearing, is required along all abutting public streets in the case of corner or multiple frontage lots. • Applicants currently have three days to provide proof of sign posting. With current technology (scanning and emailing, faxing) there is no reason to need three days to submit the proof, particularly when the sign posting deadline is, for some applications, as late as seven days prior to the public hearing.

SUPPLEMENTAL EXHIBIT 1: INDEX AND SUMMARY OF CODE CHANGES IN MUNICODE DRAFT

Revision #	Section Reference	Section Title	Explanation of Revision	Reason for Revision
54	100-040(A)	Timing of Public Notice	Establishes a timeline for required newspaper, mail and sign notice.	The current language defers the timing of public notice to that required by Florida Statutes. However, Florida Statutes does not provide minimum public notice timeframes for every type of development application. The revision requires that public notice be given at least seven (7) days prior to a public hearing when Florida Statutes does not specify the advertising requirement.
55	100-070	Inaction by applicant deemed withdrawal	Add to the specific inactions that cause automatic withdrawal of a development application, to include: <ul style="list-style-type: none"> • failure to proceed with a public hearing within three (3) months following a deferral to a date and time uncertain, and • requests for more than two (2) deferrals that are granted by the Town Council. Also, correct a typo in (C)	<p>The existing "inaction" provision was created to address the substantial number of applications that collect dust in a drawer without activity for a period of at least six (6) months, often despite numerous attempts to contact the person who filed the application.</p> <p>The revision expands this provision to address applicants for public hearing items who are deferred but who fail to agendaize a re-hearing.</p> <p>There are several purposes for the inaction/automatic withdrawal provisions, as follows:</p> <ol style="list-style-type: none"> 1) Discourage applicants from filing premature applications they don't intend to undertake 2) Encourage applicants to complete the permit process with diligence 3) Allow staff to close application files due to long-term inactivity 4) Minimize the vesting of development applications under older code provisions 5) When applications sit for long periods without activity before resubmitting with corrections or providing needed information, more work is created for all parties because certain documents expire or become inaccurate, and the collective memory of the application details is diminished. It is often like starting over again. <p>Note: one additional non-substantive clarification was made.</p>
56	100-090	Violation of Development Order Conditions	Deleted in favor of the revision 2.	The existing language allows the Town to deny, defer or approve with conditions an application for development when the property is in violation of a previously approved development order. Revision 2 of this table replaces this provision by requiring that a property owner with an outstanding code violation rectify the violation before the Town will issue any further development orders, other than a development order that will correct the violation, which may include amendments to the original development order conditions.

SUPPLEMENTAL EXHIBIT 1: INDEX AND SUMMARY OF CODE CHANGES IN MUNICODRAFT

Revision #	Section Reference	Section Title	Explanation of Revision	Reason for Revision
57	110-070(C)	Adequacy of Water Management	Corrects a broken sentence	Existing sentence does not make sense.
58	115-030(A)(12)	Plats; Supplemental Submission Requirements	Replaces the Planning Director's signature with the Mayor's.	This paragraph requires that a note be placed on all plats to ensure that county impact fees are paid before the Town issues permits. Currently, the code requires the planning director to sign under this provision as an acknowledgement. County rules require the Mayor's signature instead.
59	120-010(B)(3)	Mandatory Site Plan Approval; Exception for up to Four Single-Family Residences	Clarifies that the establishment of a shared driveway for up to four (4) residences does not require site plan approval.	The existing paragraph exempts development of up to four (4) homes from undergoing site plan approval if the development satisfies the exemption criteria, one of which is that there cannot be any privately maintained common areas or facilities. A privately maintained "shared driveway" would constitute such a common area, and would require site plan approval if not revised as shown.
60	120-050	Site Plan Modification	Correct erroneous reference	The reference for sec. 120-010(D) should be 120-010(C).
61	120-060	Effect of Approval	Replaces the term <i>structure</i> with the term <i>building</i> for the requirement that a permit must be issued to prevent a site plan from expiring.	The existing language causes an approved site plan to expire if a principal structure permit is not issued. Principal buildings are generally more substantial than principle structures, and are less open to interpretation. The primary rationale for causing site plans to expire is to avoid the vesting of development rights that would be considered nonconforming in the event that the code changes subsequent to approval.
62	140-040(B)(4)	Considerations for Variances	Insert a missing word	The word <i>property</i> is missing in the provision ("... will not confer on the __ any special privilege that is denied to any other properties..")
63	035-040(J)(K)(O) 035-050(B)(8)(9) 035-050(E)(1) 035-070(J) 050-080(J)(3) 055-080(E)(3)	Outdoor Event Permits Holiday Wayside Stands Exemption of Wildlife Mobile Food Units Mobile Food Units	Delete specific dollar amounts for required insurance policies and performance bonds in favor of adopting them by resolution.	Consistent with best practices and as recommended by MuniCode, dollar amounts should generally be eliminated from the code and the Town Council should instead adopt them by resolution from time to time. This recommendation applies generally to items that can be adopted by resolution as opposed to ordinance.
64	050-040	Permitted Uses; Commercial Districts	Correct erroneous references	When sections 050-050 through 050-080 were renumbered, multiple incorrect references were created.