

ARTICLE 3

ADMINISTRATION

ARTICLE 3 ADMINISTRATION

155.300 PURPOSE AND APPLICABILITY

- (A) This article establishes the review and approval procedures for all development applications under this Land Development Code (LDC).
- (B) Review and approval by outside agencies including but not limited to Broward County, Florida Department of Transportation (FDOT) and Florida Power and Light (FPL) may be required. The approval of any application under the provisions of this LDC shall not provide exemption from having to gain outside agency approval.
- (C) The Department Director shall determine what application(s) shall apply to the proposal.
- (D) The types of decisions to which this article applies include:
1. Legislative decisions
 2. Quasi-Judicial decisions
 3. Administrative decisions

155.301 APPLICATION-SPECIFIC PROCEDURES

Table 3.01 Pembroke Pines Planning and Economic Development Department Application Review Processes													
DO = Development Order AM = Approved Minutes ORD = Ordinance RES = Resolution PER = Permit LZA = Letter from Zoning Administrator I/A = If Applicable													
Steps	Pre-Application Meeting	Application Submittal	Determination of Completeness	Development Review	Staff Review	Staff-Only Decision Action	Scheduling of Public Hearing	Notice	Planning and Zoning Board	PZB Decision or Recommendation	City Commission Review and Decision	Board of Adjustment	Outcome
Application Type													
Site Plan	✓	✓	✓	✓	✓		✓	✓	✓	✓	I/A		DO
Site Plan Amendment	✓	✓	✓	✓	✓		✓	✓	✓	✓	I/A		DO
Administrative Review (Board Decision)	✓	✓	✓	✓	✓		✓		✓	✓			AM
Administrative Review (Department Decision)	✓	✓	✓		✓	✓ ¹							LZA

Zoning Change (Map)	✓	✓	✓	✓	✓		✓	✓	✓	✓	✓ ²		ORD ²
Zoning Change (Land Development Code or Planned District)	✓	✓	✓	✓	✓		✓	✓	✓	✓	✓ ²		ORD ²
Comprehensive Plan Text or Map Amendment	✓	✓	✓	✓	✓		✓	✓	✓	✓	✓ ²		ORD ²
Plat	✓	✓	✓	✓	✓		✓	✓	✓	✓	✓		RES
Delegation Request	✓	✓	✓	✓	✓		✓	✓			✓		RES
Flexibility Allocation ³	✓	✓	✓	✓	✓		✓	✓			✓		RES/ ORD ²
Developments of Regional Impact (DRI) Amendment	✓	✓	✓	✓	✓		✓	✓	✓	✓	✓		ORD ²
Special Exception	✓	✓	✓		✓		✓	✓	✓	✓	✓ ⁴		
Interpretation	✓	✓	✓		✓		✓	✓	✓	✓			DO
Zoning Verification Letter		✓	✓		✓	✓							LZA
Variance (Homeowner Residential)	✓	✓	✓		✓		✓	✓				✓	DO
Variance (Multifamily, Non-residential)	✓	✓	✓		✓				✓	✓			DO
Landscape Permit		✓	✓		✓	✓							PER

Tree Removal or Relocation Permit		✓	✓		✓	✓							PER
Appeal of Departmental LDC Interpretation		✓	✓		✓		✓	✓	✓ ⁵			✓ ⁵	DO
Appeal of Planning and Zoning or Board of Adjustment Decisions		✓	✓		✓		✓	✓			✓		DO

¹ A written decision shall be provided to the within the timeframes as set forth in F.S. § 166.033,...

² Applications that result in an Ordinance require two (2) readings at City Commission.

³ Flexibility Allocation must be processed concurrently with a rezoning, plat or other official application as determined by the Director.

⁴ Special expectations as outlined in section 155.301 (L) shall require City Commission review.

⁵ Residential appeals of departmental LDC interpretations shall have review and action by the Board of Adjustment. Commercial appeals of departmental LDC interpretation shall have review and action by the Planning and Zoning Board

(A) Site Plan

1. Purpose:

To ensure that layout and general design of proposed development comply with all applicable standards in this Code.

2. Applicability:

- (a) Construction of new structures on vacant land including but not limited to buildings or parking lots.
- (b) Construction of freestanding building(s) or outparcel building(s).
- (c) Significant modifications to an approved plan which change the function and/or character of an existing site as determined by the Director.
- (d) Significant redevelopment of an existing site as determined by the Director.

3. Exemption:

- (a) Construction of a single-family home (if in accordance with a valid building permit).
- (b) Repairs or renovations to residential or non-residential structures, but only when the improvements are made to the interior of the structure or when the facade, roofline, or exterior dimensions of the structure are not changed.
- (c) Demolition.
- (d) Land clearing activity done in compliance with a valid land clearing permit issued pursuant to this Code and a city engineering permit.
- (e) The deposit and contouring of fill on land.

4. Procedure:

- (a) Refer to Table 3.01 for process steps.
- (b) Site plans that have buildings or structures exceeding 50' in height shall require review and action by the City Commission.

(B) Site Plan Amendment

1. Purpose:
To provide means for the consideration of proposed modifications to previously approved site plans.
2. Applicability:
 - (a) Additions to existing buildings or structures.
 - (b) Modifications which may change the function and/or character of an existing site.
3. Procedure:
 - (a) Refer to Table 3.01 for process steps.
 - (b) Site plan amendments that have additions or modifications to buildings or structures exceeding 50' in height shall require review and action by the City Commission.

(C) Administrative Review

1. Purpose:
To provide means for the consideration of modifications to a existing development plan, which does not significantly alter function and/or character of an existing site.
2. Applicability:
Minor modifications to an existing development plan that follow the provisions and intent of this LDC and which do not depart from the principal concept of the approved plan, as determined by the Planning and Economic Development Department.
3. Procedure:
 - (a) The Planning and Economic Development Department shall determine the process for an administrative review and shall be one of the following:
 - i. Staff review resulting in the issuance of a Zoning Letter.
 - ii. Review and action by the Planning and Zoning Board.
 - (b) Refer to Table 3.01 for specific process steps, once determined by the Department.

(D) Zoning Change (Zoning Map Amendment)

1. Purpose:
To provide means for the consideration of amendments to the official zoning map whenever public necessity, general welfare, comprehensive plan, or appropriate land use practices justify or require doing so.
2. Applicability:
All land that meets minimum lot size requirements within the City of Pembroke Pines is eligible for a zoning change so long as the proposed change is consistent with the underlying land use and plat.
3. Procedure:
 - (a) Refer to Table 3.01 for process steps.
 - (b) This application is processed as an ordinance which requires transmittal to City Commission by the Planning and Zoning Board and two readings at City Commission.

4. Limitations on subsequent applications:
 - (a) If the Planning and Zoning Board or City Commission has acted to deny a petition for the rezoning of property, the Board will not consider any further petition for the same rezoning of any part of the same property for a period of one (1) year from the date of the latest such action by either the Board or the Commission.
 - (b) If the Commission has changed the zoning of property by an amendatory resolution, the Board will not consider any petition for rezoning of any part of the same property for a period of six (6) months from the effective date of the amendatory resolution.
 - (c) The above time limits for Board consideration may be waived by the Commission by the affirmative vote of four (4) Commissioners, if the Commission deems such action necessary to prevent an injustice or to facilitate development consistent with the character and vision of the city.
5. Prohibitions on conditional rezoning:
 - (a) No rezoning of property may contain conditions, limitations, or requirements that are not applicable to all other property in the zoning district to which the particular property is rezoned.
 - (b) However, voluntary conditions proposed by the applicant may be considered by the Planning and Zoning Board.
6. Planning and Zoning Board recommendation required:

No change or amendment relating to the boundaries of the various zoning districts and the regulations applicable thereto, shall be made by the City Commission unless the proposal or request for that change has been considered by the Planning and Zoning Board, and the Commission has received a recommendation thereon from the Board.

(E) Zoning Change (Land Development Code or Planned District Text Amendment)

1. Purpose:

To provide means consideration of amendments to the text of the LDC or planned district whenever public necessity, general welfare, comprehensive plan, or appropriate land use practices justify or require doing so.
2. Applicability:

All text within the LDC is eligible to be amended, unless such a change would conflict with county, state, or federal regulations.
3. Procedure:
 - (a) Refer to Table 3.01 for process steps.
 - (b) This application is processed as an ordinance which requires transmittal to City Commission by the Planning and Zoning Board and two readings at City Commission.
4. Limitation on subsequent applications:
 - (a) If the Planning and Zoning Board or City Commission has acted to deny a petition for the rezoning of property, the Board will not consider any further petition for the same

rezoning of any part of the same property for a period of one (1) year from the date of the latest such action by either the Board or the Commission.

- (b) If the Commission has changed the zoning of property by an amendatory resolution, the Board will not consider any petition for rezoning of any part of the same property for a period of six (6) months from the effective date of the amendatory resolution.
- (c) The above time limits for Board consideration may be waived by the Commission by the affirmative vote of four (4) Commissioners, if the Commission deems such action necessary to prevent an injustice or to facilitate the proper development of the City.

(F) Comprehensive Plan Text or Map Amendment (Land Use Plan Amendment)

1. Purpose:

To provide means for the consideration of amendments to the future land use element of the City of Pembroke Pines.

2. Applicability:

The Comprehensive Plan Text or Map Amendment process applies to the following types of amendments:

(a) County Land Use Plan Amendment:

The re-designation of property on the City of Pembroke Pines Land Use Plan which by virtue of its nature also requires an amendment to the Broward County Land Use Plan through application to the Broward County Planning Council. A County land use plan amendment shall become effective only after the City of Pembroke Pines Land Use Plan is recertified by the Broward County Planning Council.

(b) Local Land Use Plan Amendment:

The re-designation of property on the City of Pembroke Pines Land Use Plan which does not also require an amendment to the Broward County Land Use Plan. A local land use plan amendment shall become effective only after the City of Pembroke Pines Land Use Plan is recertified by the Broward County Planning Council.

3. Procedure:

(a) Refer to Table 3.01 for process steps.

(b) This application is processed as an ordinance which requires transmittal to City Commission by the Planning and Zoning Board and two readings at City Commission.

(G) Plat

1. Purpose:

To provide a uniform means to approve the division of land, ensuring that such divisions promote the health, safety and welfare of City's inhabitants.

2. Applicability:

Platting is applicable to all land within the City of Pembroke Pines that meet the requirements set forth by Broward County.

3. Procedure:

(a) Refer to Table 3.01 for process steps.

(b) This application is processed as a resolution which requires transmittal to City Commission by the Planning and Zoning Board and one reading at City Commission.

- (c) Plats shall require transmittal to the County for additional processing.
- (d) Plats may require an agreement for municipal dedication.

(H) Delegation Request

1. Purpose:
To provide means for the consideration of amendments to a restrictive note or condition on an existing recorded plat.
2. Applicability:
All existing plats are eligible to be amended, if the amendment is consistent with the underlying land use.
3. Procedure:
 - (a) Refer to Table 3.01 for process steps.
 - (b) This application is processed as a resolution which requires one reading at City Commission.

(I) Flexibility Allocation and Redevelopment Units

1. Purpose:
To provide means for the assignment of both flexibility and redevelopment units, which are regulated by Broward County but administered by municipalities.
2. Applicability:
 - (a) Flexibility units shall apply to land which can meet the criteria and rules set forth by the Broward County Administrative Rules documents.
3. Procedure:
 - (a) Refer to Table 3.01 for process steps.
 - (b) This application will be processed in conjunction with another development application either as an ordinance requiring transmittal to City Commission by the Planning and Zoning Board and two readings at City Commission or as a resolution requiring transmittal to City Commission by the Planning and Zoning Board and one reading at City Commission.
 - (c) Flexibility units can only be assigned through a (re)zoning, plat or other official action as determined by the Planning and Economic Development Department Director.

(J) Developments of Regional Impact (DRI) Amendment

1. Purpose:
To provide means to update development orders for an existing DRI.
2. Applicability:
Existing DRIs may be amended if they are consistent with the underlying land use and do not exceed the intended impacts. Changes to existing DRI's will be reviewed for impacts based on the standards and procedures in the City's Adopted Local Comprehensive Plan and land development regulations.
3. Procedure:

- (a) Refer to Table 3.01 for process steps.
- (b) This application is processed as an ordinance which requires transmittal to City Commission by the Planning and Zoning Board and two readings at City Commission.

(K) Interpretation

1. Purpose:
To provide means for the applicant to request the approval or authorization of a use which is not specifically or implicitly prohibited in a zoning district.
2. Applicability:
Interpretations shall be provided upon an applicant's request.
3. Procedure:
Refer to Table 3.01 for process steps.

(L) Special Exception

1. Purpose:
To provide means for the individualized review of certain uses which, due to their nature, require special consideration of their location, design, and methods of operation, as well as the impositions of conditions to mitigate concerns before they can be deemed appropriate in a zoning district and compatible with their surroundings.
2. Applicability:
 - (a) Uses requiring special exception as outlined in Table 5.01 shall require review and action by the Planning and Zoning Board.
 - (b) City Commission review and approval of a special exception will be required for all site plans that propose a floor area ratio (FAR) exceeding 0.5 to 1.0.
 - (c) City Commission review and approval of a special exception will be required for all development applications proposing uses as outlined in Table 5.01 that are part of the I-H (Industrial Heavy; formerly part of the M-5 zoning classification) zoning district.
3. Standards for Approval:
 - (a) The proposed use is compatible with the existing natural environment and community character of the properties within the immediate neighborhood.
 - (b) The proposed use is deemed desirable for public convenience, and not injurious or otherwise detrimental to the public health, safety, comfort and welfare.
 - (c) The design of the proposed use shall minimize adverse effects, including noise, light, dust or other potential nuisances, of the proposed use on adjacent property through the use of building orientation, setbacks, buffers, landscaping and other design criteria consistent with the city regulations to the greatest extent possible. Entire site shall be void of any pre-existing code violations.
 - (d) There are adequate parking areas and off street truck loading spaces (if applicable) consistent with the parking requirements of the Code, and the layout of the parking and vehicular use areas is convenient and conducive to safe and efficient operation consistent with the city standards to the greatest extent possible.
 - (e) There will be adequate provisions for traffic movement, both vehicular and pedestrian internal to the use and adequate measures exist or shall be taken to provide ingress and egress to the proposed use, for both vehicles and pedestrian, in a manner that

minimizes traffic congestion in the public streets, and the use may not result in a significantly greater amount of traffic on local streets than would result from a development permitted by right, performed through use of a traffic study.

- (f) The land area must be sufficient, appropriate and adequate for the use and for any reasonably anticipated expansion thereof.

4. Procedure:

(a) Refer to Table 3.01 for process steps.

(b) A Special Exception shall be processed concurrent with a site plan or site plan amendment.

(M) Zoning Verification Letter

1. Purpose:

Provide means for the applicant to obtain general zoning information related to a specific district.

2. Applicability:

Zoning Verification Letters can be requested for any property within the City limits. Zoning Verification letters are for informational purposes and do not serve as due diligence for a property.

3. Procedure:

Refer to Table 3.01 for process steps.

(N) Variance

1. Purpose:

To allow for the provision of relief from certain development standards of this LDC for one or more of the following reasons:

(a) There are special circumstances or conditions applying to the land or building for which the variance is sought, which are peculiar to the land or building and do not apply generally to land or buildings in the neighborhood, and the strict application of the provisions of the zoning ordinance would result in an unnecessary hardship and deprive the applicant of the reasonable use of the land or building; or

(b) Any alleged hardship is not self-created by any person having an interest in the property nor is the result of a mere disregard for or in ignorance of the provisions of the zoning ordinances of the City; or

(c) Granting the variance is not incompatible with public policy, will not adversely affect any adjacent property owners, and the circumstances which cause the special conditions are peculiar to the subject property.

2. Applicability:

(a) All properties are eligible to receive a variance from the regulations under this LDC unless specifically prohibited.

(b) Use variances are prohibited.

3. Procedure:

(a) Refer to Table 3.01 for applicable process steps.

- (b) The authority to review variances requested by single-family homeowners rests with the Board of Adjustment, whereas variances requested for multi-family or non-residential properties are reviewed by the Planning and Zoning Board.

(O) Landscape Permit

1. Purpose:
To provide a means to ensure the landscape diversity and design meets the provisions of this LDC.
2. Applicability:
A landscape permit shall be required for the following: planting as the result of a new development, significant planting or replanting on an existing site or general landscape maintenance to a property as determined by the landscape division.
3. Procedure:
 - (a) Refer to Table 3.01 for applicable process steps.
 - (b) The authority to review, process and grant approval rests with the staff of the Landscape Division of the Planning and Economic Development Department.
 - (c) Inspection of the work is required following completion.

(P) Tree Removal or Relocation Permit

1. Purpose:
Ensure that all trees are properly moved or removed and that all properties provide the proper mitigation, and that maintain tree canopy throughout the city.
2. Applicability:
This process applies whenever trees are removed or relocated on residential or non-residential properties as determined by the staff of the Landscape Division of the Planning and Economic Development Department.
3. Procedure:
 - (a) Refer to Table 3.01 for applicable process steps.
 - (b) Permits are processed through the Landscape Division of the Planning and Economic Development Department.
 - (c) Inspection is required 90 days after issuance of the permit.

(Q) Appeal of Departmental LDC Interpretation

1. Purpose:
To provide means for the appeal of interpretations made by the Planning and Economic Development Department.
2. Applicability:
If an applicant is not satisfied with a LDC interpretation rendered by the Planning and Economic Development Department. All LDC interpretations are appealable.
3. Procedure:
Refer to Table 3.01 and section 155.310 for applicable process steps and criteria.

(R) Appeal of Board of Adjustment or Planning and Zoning Board Decision

1. Purpose:
Establish procedures to appeal decisions made by the Board of Adjustment or Planning and Zoning Board.
2. Applicability:
All items heard by the Board of Adjustment or the Planning and Zoning Board that receives a decision is eligible for this appeal process.
3. Procedure:
Refer to Table 3.01 and section 155.310 for applicable process steps and criteria.

155.302 NOTICE REQUIREMENTS

Table 3.02 Summary of Notice Requirements by Application Type				
I/A = If Applicable				
Requirement	Published Notice	Mailed Notice	Posted Notice	Homeowners Association Notice
Application Type				
Site Plan	✓	✓	✓	✓
Site Plan Amendment	✓	✓	✓	✓
Zoning Change (Map)	✓	✓	✓	✓
Zoning Change (Land Development Code or Planned District)	✓	✓	✓	✓
Comprehensive Plan Map Amendment	✓	✓	✓	✓
Comprehensive Plan Text Amendment	✓			
Plat	✓	✓	✓	
Flexibility Allocation and Redevelopment Units ¹	I/A	I/A	I/A	I/A
DRI Amendment	✓	✓	✓	
Special Exception	✓	✓	✓	✓

Interpretation	✓	✓	✓	✓
Variance (Homeowner Residential)	✓	✓	✓	
Variance (Multi-family, Non-residential)	✓	✓	✓	✓
Appeal of Staff Code Interpretation	✓	✓	✓	✓
Appeal of Planning and Zoning or Board of Adjustment Decisions	✓	✓	✓	✓

¹ Flexibility Allocation and Redevelopment Units shall be noticed in accordance with the concurrent development application.

(A) General

1. Unless noted within the provisions of this LDC noticing will not be required for an application.
2. For information regarding specific noticing procedures and formatting, review the Public Notification Guide, which is available at the Planning and Economic Development Department.

(B) Published Notice

1. Proper legal notice shall be provided at least 15 days prior to quasi-judicial proceeding and shall inform any and all affected persons that they can present evidence, bring forth witnesses, cross examine witnesses if the City Clerk's office is notified within 7 days of scheduled proceeding.
2. Published notice shall include: name of petitioner, the current date, time and location of scheduled proceeding.
3. Comprehensive Plan Map Amendments notice shall be provided at least 7 days prior to meeting with the Local Planning Agency and City Commission for first reading. Notice shall be provided at least 5 days prior to second reading at City Commission.

(C) Mailed Notice

1. Adjacent property owner notice:
 - a. Proper notice will be mailed to all property owners within 500 feet of the subject site at least 15 days prior to the quasi-judicial proceeding.
 - b. All mailed notice shall be sent via first class mail.
2. Board of Adjustment
 - a. Mailed notice for Board of Adjustment shall be completed by the Planning and Economic Development Department.
3. Planning and Zoning Board, or the City Commission
 - a. Mailed notice for Planning and Zoning Board or City Commission applications in relation to this LDC shall be completed by the applicant.
 - b. The Planning and Economic Development Department shall produce the notice, however, the applicant shall be responsible for producing copies and mailing the notice to property owners within 500 feet of the site.
 - c. The applicant shall provide the following the Planning and Economic Development Department.

- i. The list of property owners shall be derived from the most recent official tax roll of Broward County. The applicant shall provide an affidavit attesting to the completeness and accuracy of the property owner's list.
 - ii. An affidavit that notice was sent to all property owners included in the property owner's list.
- d. The applicant is responsible for all cost associated with the mailed notice.

(D) Homeowners Association Notice

1. Adjacent homeowner associations notice:
 - (a) Proper notice shall be mailed to all homeowner's associations registered with the City Clerk's Office within 500 feet of the subject site at least 30 days prior to the quasi-judicial proceeding with the Board of Adjustment, Planning and Zoning Board, or the City Commission.
 - (b) The master homeowners' association shall notify all applicable sub-associations
 - (c) An affidavit of mailing shall be provided to the Planning and Economic Development Department within 15 days of quasi-judicial proceeding.
 - i. The Affidavit shall:
 1. Confirm the mailed notice was sent to the proper associations.
 2. Advise the association of pending application.
 3. Confirm the mailed notice was sent at least 30 days prior to meeting.
 4. Provide a copy of the mailed notice.

(E) Posted Notice

1. Board of Adjustment
 - (a) Proper posted notice shall be placed on the subject site visible on each adjacent road frontage at least 15 days prior to the quasi-judicial proceeding.
 - (b) The City shall provide the applicant or petitioner the appropriate notification sign(s) to post upon receipt of application. An affidavit of posting and a dated photograph of the sign(s) posted shall be submitted to the City by the applicant or petitioner.
2. Planning and Zoning Board and City Commission
 - (a) Proper posted notice shall be placed on the subject site visible on each adjacent road frontage at least 30 days prior to the quasi-judicial proceeding.
3. Notice Removal
 - (a) Posted notice sign shall be removed within 10 calendar days after the expiration of the final appeal period or the date of which the appeal decision is effective.
 - (b) Failure to remove posted notice sign will result in a code violation.
 - (c) If severe storm warning is declared by the National Weather Service, the applicant must remove all posted signs from the property. If applicant fails to remove posted signs, the City may remove posted signs if deemed a danger by the Planning and Economic Development Department Director.
 - (d) Proof of posted notice removal shall be provided to the project planner. All costs of the quasi-judicial proceedings, including but not limited to notification and advertising, for posted notice signs and mailings shall be paid by the applicant or petitioner.

155.303 REVIEW AND DECISION-MAKING AUTHORITIES

(A) Planning and Economic Development Department Staff

1. Purpose:
 - (a) The Planning and Economic Development Department is responsible administering the provisions found in the LDC.
2. Powers and Duties:
 - (a) Review development applications.
 - (b) Conduct pre-application meetings.
 - (c) Maintain the official Zoning Map and associated materials.
 - (d) To serve as professional staff to the Board of Adjustment, Planning and Zoning Board and City Commission.
 - (e) Provide expertise and technical assistance to the City's review and decision-making bodies on request.
 - (f) Recommend action on applications that are reviewed by the Planning and Zoning Board and or City Commission.
 - (g) Establish application submittal requirements and review procedures.
 - (h) Render decisions on administrative reviews.

(B) Development Review Committee (DRC)

1. Purpose:
 - (a) The Development Review Committee (DRC) is an advisory group of City staff members and outside agencies (as necessary) who meet to review and comment on development applications and discuss other matters related to the City's review and management of development.
2. Membership:
 - (a) The DRC shall include but it not limited to the following disciplines: Planning, Zoning, Fire Prevention, Engineering, Landscaping, Police, Water Management District(s), Broward County Mass Transit, Florida Power and Light, Utilities, Waste/Trash City contract vendor and any other agencies as determined by the staff project managers.
3. Powers and Duties:
 - (a) The committee shall have the following jurisdiction:
 - i. Review and render recommendations on the applications for development.
 - ii. Act as the land development regulation commission pursuant to F.S. §§ 163.3164 et seq., so as to develop and recommend to the City Commission land development code amendments.

(C) Board of Adjustment

1. Purpose:
 - (a) The Board of Adjustment shall be established to hear and decide upon zoning variances, interpretation of the LDC and appeals of departmental LDC interpretations for individual single-family residential properties.

2. Powers and Duties:
 - (a) Make decisions on variances, interpretation of the LDC and appeals of departmental LDC interpretations for individual single-family residential properties.

(D) Planning and Zoning Board

1. Purpose:
 - (a) The Planning and Zoning Board shall serve as the Architecture Review Board, as well as the Local Planning Agency in accordance with F.S. § 163.3174. and render decisions or recommendation for applicable application found under this LDC.
2. Powers and Duties:
 - (a) Serve as an advisory board to the City Commission.
 - (b) Make decisions for the following applications:
 - i. Appeal of staff decision
 - ii. Flexibility allocation
 - iii. Interpretation
 - iv. Miscellaneous
 - v. Site plan* (See Table 3.01)
 - vi. Site plan amendment* (See Table 3.01)
 - vii. Special Exception* (See 155.301 (L))
 - viii. Variance (multi-family, non-residential)
 - (c) Make recommendations to the City Commission for the following applications:
 - i. Comprehensive Plan amendment
 - ii. DRI
 - iii. DRI amendment
 - iv. Land use plan amendment
 - v. Plat
 - vi. Site plan* (See Table 3.01)
 - vii. Site plan amendment* (See Table 3.01)
 - viii. Special exception* (See 155.301 (L))
 - ix. Zoning change (map or PUD)
 - x. Zoning change text
 - xi. Zoning exception
 - xii. Deed restriction
3. For applications in which the Planning and Zoning board makes a decision, the decision shall be either:
 - (a) Approval as submitted
 - (b) Approval subject to condition
 - (c) Denial.
4. For applications in which the Planning and Zoning board makes a recommendation, the recommendation shall be a transmittal to City Commission for:
 - (a) Approval
 - (b) Approval subject to condition
 - (c) Denial.

(E) City Commission

1. General:

- (a) In addition to other authority granted to City Commission by the Florida Constitution and State Law, the City Commission has specified powers and duties under the LDC.
- 2. Powers and Duties:
 - (a) Make decisions for the following applications:
 - i. Appeals of Planning and Zoning Board or Board of Adjustment decision
 - ii. Comprehensive Plan amendment
 - iii. Delegation request
 - iv. DRI
 - v. DRI amendment
 - vi. Plat
 - vii. Site plan* (See Table 3.01)
 - viii. Site plan amendment* (See Table 3.01)
 - ix. Special exception* (See 155.301 (L))
 - x. Zoning change (map or PUD)
 - xi. Zoning change text
 - xii. Deed restriction
 - (b) Perform any other functions as designated by motion, resolution or ordinance of the City Commission.
- 3. The City Commission decision shall be either:
 - (a) Approval as submitted
 - (b) Approval subject to conditions
 - (c) Denial
 - (d) Table or Defer to a specified time
 - (e) Transmittal of application back to the recommending body or Board.

155.304 QUASI-JUDICIAL PROCEEDINGS

(A) Purpose

To provide an equitable and efficient manner for the City to hear matters which are considered quasi-judicial in nature. These procedures shall be utilized by the Board of Adjustment, Planning and Zoning Board, and the City Commission in regards to hearings on quasi-judicial matters in which their body is the final authority.

(B) Applicability

For the purposes of this Article, the following matters, regardless of whether the final determination is made by the City Commission or a Board, shall be considered to be quasi-judicial:

- 1. Site specific rezonings and site plans
- 2. Site specific land use amendments
- 3. Conditional use approvals
- 4. Variances
- 5. Plat approvals
- 6. Special exceptions which relate to the use of land and businesses
- 7. Interpretations
- 8. Appeal of Departmental LDC Interpretation

9. Appeal of Planning and Zoning or Board of Adjustment Decisions

(C) Ex-parte (oral) communications

1. Ex-parte (oral) communications are not presumed prejudicial provided any disclosure required in divisions (2), (3) or (4) below is made before or during the public meeting at which a vote is taken on the matter.
2. The substance of any ex-parte communication with a local public official that relates to quasi-judicial action pending before the official is not presumed prejudicial to the action if the subject of the communication and the identity of the person, group or entity with whom the communication took place is disclosed and made a part of the record.
3. A local public official may read a written communication from any person. However, a written communication that relates to quasi-judicial action pending before a local public official shall not be presumed prejudicial to the action and such written communication shall be made a part of the record before final action on the matter.
4. Local public officials may conduct investigations and site visits and may receive expert opinions regarding quasi-judicial action pending before them. Such activity shall not be presumed prejudicial to the action if the existence of the investigation, site visit, or expert opinion is made a part of the record before final action on the matter.
5. Notwithstanding the provisions of this section above, in quasi-judicial proceedings on local government land use matters, a person may not be precluded from communicating directly with a member of the decision making body by application of ex-parte communications prohibitions. Disclosure of such communications by a member of the decision making body is not required, and such nondisclosure shall not be presumed prejudicial to the decision of the decision making body. All decisions of the decision making body must be supported by substantial, competent evidence in the record pertinent to the proceedings, irrespective of such communications.

(D) Presentation of Evidence

1. All persons testifying before a Board or the City Commission must be sworn in. The petitioner, members of a Board or the City Commission and any Affected Person who has provided notice that it intends to appear at the proceeding shall be given the opportunity to present evidence, bring forth witnesses, and cross-examine any witnesses.
2. All evidence relied upon by reasonably prudent persons in the conduct of their business shall be admissible, whether or not such evidence would be admissible in a court of law. However, immaterial or unduly repetitious evidence shall be excluded.
3. Hearsay evidence may be used for the purpose of supplementing or explaining other evidence, but it shall not be sufficient by itself to support a finding.
4. Documentary evidence may be presented in the form of a copy or the original, if available. Upon request, parties shall be given an opportunity to compare the copy with the original.

5. A party shall be entitled to conduct cross-examination when testimony is provided or documents are made a part of the record.
6. The office of the City Attorney shall represent the Board or the City Commission. Any questions as to the propriety and admissibility of evidence shall be presented to the City Attorney's office in a timely fashion.

(E) Conduct of Proceedings

1. The proceedings shall be conducted in an informal manner. Each party shall have the right to do the following:
 - (a) To call and examine witnesses
 - (b) To introduce exhibits
 - (c) To cross-examine opposing witnesses on any relevant matter
 - (d) To rebut evidence
2. To the extent possible, the following shall be the order of the proceedings:
 - (a) Call the proceeding to order and announce the beginning of the proceeding. A majority of the Board or City Commission members must be continuously present during the proceeding.
 - (b) The matter to be heard and the rules concerning the admissibility of evidence should be announced.
 - (c) Statements of counsel shall only be considered as argument and not be considered as testimony. Counsel for parties shall not be subject to cross-examination. The Board or the City Commission shall have the authority to refuse to hear any testimony which is irrelevant or repetitive.
 - (d) The Chair of the Board or the City Commission shall have the option of determining the order of presentation of the parties in order to expedite the proceeding. During its presentation the city shall present any staff, board or other reports on the matter as well as any comments. These reports shall include, but not be limited to, a description of the request of the petitioner; a description of background related to the petitioner; an analysis which includes the consistency with the City Comprehensive Plan, if applicable, and how the petition does or does not meet the requirements of the City Code; a listing of the exhibits to be presented; a summary of the issues; and, the staff and boards' recommendations. These reports shall include specific findings in support of justifying a recommendation for approval or denial of the petition.
 - (e) The petitioner, or a representative, may make a presentation. If the petitioner chooses to make a presentation, it should include a description of the nature of the petition if there is additional information that has not been previously provided to or by the City. In addition, the petitioner shall introduce any exhibits and witnesses.
 - (f) Parties who are in support of the petition shall make their presentation. The parties shall introduce any exhibits and witnesses.
 - (g) Parties who are in opposition of the petition shall make their presentation. The parties shall introduce any exhibits and witnesses.
 - (h) City personnel in attendance shall provide responses to any party to the proceeding.
 - (i) After each witness testifies or documents are made a part of the record, a party shall be permitted to question the witness. The questioning party is not permitted to make any statements, only to ask questions which are directly related to the testimony presented.
 - (j) Final presentation by petitioner in response to any testimony from other parties.
 - (k) Final presentation by the city in response to any testimony from other parties.

- (I) The Board or City Commission shall deliberate on the petition. No further testimony shall be taken and the members of the Board or the City Commission shall not ask further questions of persons presenting testimony. The Board or the City Commission shall discuss the evidence that was presented at the proceeding and vote on the petition.

(F) Consent Process

1. All applications for development approvals that are quasi-judicial matters which are required to be approved by the City Commission may be placed on the quasi-judicial consent agenda. If an application is not removed from the quasi-judicial consent agenda, the City Commission shall vote on the quasi-judicial consent agenda based upon the materials in the agenda report(s). Prior to placement on the quasi-judicial consent agenda, all applicants shall sign a notarized statement that the applicant concurs with the recommendations of the Planning and Zoning Board. If no notarized statement has been obtained from the applicant, then the development approval shall be heard and processed as set forth above.
2. The applicant, any City Commissioner, or any member of the public may request that an application for a development approval be removed from the quasi-judicial consent agenda and, except as otherwise provided in subsection (3) below, such item shall be continued to the quasi-judicial items portion of the meeting, or such other date and time, or both, as mutually agreed upon by the applicant and City Commission.
3. The applicant may request that the City Commission listen to testimony, receive documentary evidence, and take action on the application at the meeting at which the application is removed from the quasi-judicial consent agenda.
4. All applications for development approval which are placed on a quasi-judicial regular (non-consent) agenda or that have been removed from the quasi-judicial consent agenda shall be heard pursuant to and in accordance with the procedures set forth in (Subsection D and E above).

(G) Hearings in front of Special Magistrate; Final Determination

The City hereby establishes Special Magistrates who may conduct quasi-judicial hearings at the direction of the City Commission. Special Magistrates shall conduct all hearings and render final determinations, all in conformity with the provisions of this chapter.

(H) Hearings in front of Board or City Commission; Final Determination

In reaching a determination as whether to grant or deny the petition, the Board or City Commission shall:

1. Consider whether the petitioner's request is consistent with the City Comprehensive Plan, if applicable.
2. State with specificity the reasons for the approval or denial of the petition. The approval or denial may by reference incorporate the staff, board or other reports.
3. State whether or not the order is to be recorded in the public records of Broward County, and if applicable, that the cost of recording shall be paid by the petitioner.

(I) Preparation of Order

The City Attorney's office shall prepare the final order of the Board or City Commission based upon the determination. The Special Magistrate shall prepare the final order for matters before them. The final order shall include, but not be limited to, the finding of facts, any conditions, requirements or limitations on the approval of the petition, and whether or not the order shall be recorded in the Broward County public records. If an ordinance is required to be adopted upon approval of an action by the City Commission, a final order will not be prepared unless the petition is denied.

(J) Continuances and Deferrals

If, in the opinion of the Board or City Commission, any testimony or documentary evidence or information presented at the proceeding justifies providing additional time to allow additional research or review in order to properly determine the issue presented, the Board or City Commission shall continue the case to a designated time to allow for the additional research or review. After the decision is made to continue, the date to which the proceeding shall be continued shall be announced at the proceeding.

(K) Transcript of Proceedings

The official transcript of a proceeding shall be preserved by tape recording or other device by the City Clerk's office. Nothing precludes any party from providing a court reporter for the proceeding.

(L) Maintenance of Evidence

The Office of the City Clerk shall retain all of the evidence and documents presented at the proceeding, except for large scale exhibits which shall be retained by the City Manager or a designee, all which become part of the public record of the proceeding.

(M) Appeals

The final determination of the City Commission is subject to judicial review in a court of competent jurisdiction.

155.305 ZONING IN PROGRESS

- (A) Purpose: The purpose of this subsection is to provide an administrative and legislative procedure whereby the City can place a temporary hold on development permits and approvals if there are pending active efforts underway to amend this Code in a way that would preclude such permits and approvals should the pending amendment be adopted.

(B) Applicability:

1. Zoning in progress shall be in place from the time that the City Manager or designee determines that:
 - i. The City is actively developing and processing a proposal to amend this Code in a way that would preclude permits and approvals of certain uses and development, and
 - ii. Authorization or approval of such uses and development before the proposed amendment is decided would be detrimental to the public interest. The City shall not grant any development permit or approval, or accept any application for a development permit or approval, that authorizes or proposes development that would not be allowed under the proposed amendment to this LDC.

(C) Procedure

1. The City Manager or designee shall issue an administrative order that specifies the area(s) affected by the proposed amendment and that prohibits the issuance of any development permits or granting of development approvals that would be precluded by the proposed amendment;
2. On issuing the administrative order, the City Manager or designee shall schedule consideration of a resolution confirming the administrative order for the next available City Commission meeting.

(D) City Commission Review and Action

1. The City Commission shall review the City Manager's or designee's zoning in progress determination and decide whether to confirm or reject it.
2. If the City Commission decides to confirm the City Manager's or designee's zoning in progress determination, they shall adopt a resolution affirming the administrative order.
3. If a resolution is adopted by the City Commission, the zoning in progress shall remain active for up to 6 months or until the adoption of the amendment to the LDC. The time period may be extended if determined necessary by the City Commission.

155.306 APPLICATION SUBMITTAL PROCEDURES

(A) Pre-application Meeting

1. The pre-application meeting will determine the submittal requirements, review procedures and standards applicable to an anticipated application for a development permit reviewed under this Code.
2. A pre-application meeting is required for all applications prior to submission unless determined otherwise by the Planning and Economic Development Department Director (Department Director).
3. At a minimum, the applicant must bring a conceptual plan to the pre-application meeting showing the location, general layout and main elements of the proposed development.
4. At the pre-application meeting the applicant must provide the Planning and Economic Development Department a letter stating the scope of work for the project. The

Department Director shall determine what application(s) and process shall apply to the project.

5. When two or more applications for a development are submitted concurrently, the requirement for a pre-application conference may be met with single conference.
6. The pre-application conference is intended as a means of facilitating the review process. Discussions held in accordance with this section are not binding on the City. Processing times for review of applications for a development permit do not begin until a formal, complete application is submitted and determined to be complete.

(B) Authority to submit applications

1. Unless expressly stated otherwise in this Code, applications for a development permit reviewed under this Code shall be submitted by:
 - (a) The owner, contract purchaser, or any other person having a recognized property interest in the land on which development is proposed; or
 - (b) A person authorized to submit the application on behalf of the owner, contract purchaser, or other person having a recognized property interest in the land, as evidenced by a letter or document signed by such owner, contract purchaser, or other person.
 - (c) If there are multiple owners, contract purchasers, or other persons authorized to submit the application, all such persons shall sign the application or a letter or document consenting to the application.

(C) Application Contents

1. The Department Director establishes the requirements for the content and form of applications for each type of application reviewed under this Code.
2. The Department Director may amend and update these requirements as determined necessary to ensure effective and efficient city review under this Code.
3. The applicant bears the burden of ensuring that an application contains sufficient information to demonstrate compliance of the proposed application for a development permit with applicable standards.

(D) Fees

1. The City Commission establishes application fees and may amend and update those fees as determined necessary.
2. The fees schedules for any development plan are incorporated herein by reference. A fee schedule is available in the City Clerk's and Planning and Economic Development Department offices upon request.
3. A surcharge applies to all development and applications that require Planning and Zoning Board consideration. The surcharge can be found in the fee schedule, which is available in the City Clerk's and Planning and Economic Development Department offices upon request.

4. On October 1 of each year, the fees referred to above shall be increased, in accordance with the Consumer Price Index for Urban Consumers in the United States, published by the Bureau of Labor Statistics for the 12 months ending April of each year, unless otherwise instructed by the City Commission.
5. Advertising fees. The applicant bears the cost of the advertisement for any displayed advertisements or mailings required by state statutes or city ordinances, except as may otherwise be expressly provided herein.
6. Applicants are responsible for all applicable recording costs where applicable.

(E) Application Submittal

1. Applications reviewed under this Code shall be submitted to the Planning and Economic Development Department, along with any associated fees and any other applicable documents, which may include but is not limited to studies and/or analysis regarding traffic, stacking, economic impact or market demand.
2. All applications must be submitted on forms available through the Planning and Economic Development Department.

(F) Determination of Application Completeness

1. On receiving an application for a development permit reviewed under this Code, the Department Director will review the application package to determine whether the application is complete or incomplete within the timeframes as set forth in F.S. §166.033, as same may be amended from time to time, unless formally waived by the Applicant. A complete application is one that:
 - (a) Contains all information and materials established by the Department Director as required for submittal of the application;
 - (b) Is in the form established by the Department Director as required for submittal of the application;
 - (c) Includes information in sufficient detail to evaluate the application to determine whether it complies with the appropriate review standards of this Code; and
 - (d) Is accompanied by the fee established for the application, which is intended to offset the administrative costs thereof.
2. Review for application completeness is solely to determine whether preliminary information required for submission with the application is sufficient to allow further processing. It does not constitute a decision as to whether an application complies with the LDC.
3. Incomplete applications:
 - (a) If an application is determined to be incomplete, the Department Director will notify the applicant of the deficiencies within the timeframes as set forth 166.033, FL. Stat., as may be amended from time to time, unless formally waived by the applicant.
 - (b) The applicant may correct the deficiencies and resubmit the application for completeness determination.
 - (c) If the applicant fails to resubmit an application within the timeframes as set forth 166.033, FL. Stat., as same may be amended from time to time, unless waived by

the applicant after being first notified of deficiencies, the application shall be considered withdrawn.

- (d) The Department Director shall not process an application for further review until it is determined to be complete.

4. Application revisions:

- (a) An applicant may revise the application after receiving initial staff review comments on the application. Revisions must be limited to changes that directly respond to specific requests or suggestions made by the staff or the review or decision-making body, if they constitute only minor additions, deletions, or corrections and do not include significant substantive changes to the plan for development proposed in the application.
- (b) Any other revisions to the application may be submitted at any time during the review procedure, but the revised application will be submitted and reviewed as if a new application and may be subject to additional application fees to defray the additional costs of processing the revised application.
- (c) All revised applications must be submitted to the Department Director.

5. Complete applications:

- (a) If an application is determined to be complete, the Department Director will accept the application for review in accordance with the procedures and standards of this Code.
- (b) The time frame and cycle for review of the application is based on the date the application is determined to be complete.

155.307 STAFF REVIEW AND ACTION

(A) Application Review

- 1. When an application is determined to be complete, the application along with the associated documents shall be distributed to the applicable reviewing bodies.
- 2. If deficiencies are found, the applicant shall be notified and provided an opportunity to address them.
- 3. The timeframe for review will be determined based on the application type.
- 4. Additional Documents
 - (a) At any time during the review process of an application staff may request for additional documents that relate to the application, which may include but is not limited to studies and/or analysis regarding traffic, stacking or market demand.

(B) Applications Subject to Board or City Commission Decision

1. Staff Report

- (a) If an application is to be reviewed and decided upon by a Board or City Commission the Planning and Economic Development Department Staff shall prepare a staff report which summarizes the application.

(C) Applications Subject to Staff Decision

If an application is subject to staff decision, the application shall be reviewed and decided upon following the procedures and standards established within this LDC.

(D) Scheduling of Public Hearing

The Department Director shall determine when an Item is scheduled for public hearing. The Department Director shall do so providing enough time for the preparation of the staff report, distribution of applicable documents to Board or City Commission members and for public notification in accordance with the standard established within the LDC.

155.308 POST DECISION ACTIONS AND LIMITATIONS

(A) Notice of Decision

The Planning and Economic Development Department shall provide the applicant with the applicable document as they become available. Refer to Table 3.01 for the document provided.

(B) Effect of Approval

1. Approval of any development application in accordance with this Code authorizes only the particular use, plan, or other specific activity approved, and not any other development requiring separate application.
2. If one development permit or approval is a prerequisite to another permit or approval (e.g., variance approval prior to a site plan approval), development may not take place until all required permits and approvals are obtained. Approval of one application does not necessarily guarantee approval of any subsequent application.

(C) Expiration of Approval

1. Unless otherwise noted an approved application excluding those that result in an ordinance or resolution shall expire following 1 year of inactivity as determined by the Planning and Economic Development Department Director.
2. The Planning and Zoning Board may grant an extension of an approved application where the holder thereof can establish to the satisfaction of the Board that the delay is absolutely beyond their control.
3. An extension may be provided in accordance with F.S 252.363 (Emergency Management - Tolling and extension of permits and other authorizations) as amended from time to time.

(D) Amendments to an approved application

Any modifications of approved plans or conditions of approval shall require a new application that is submitted and reviewed in accordance with the full procedure and fee requirements applicable to the particular type of modification.

(E) Effect of Denial

1. If an application requiring a public hearing is denied, the applicant may appeal the decision following the applicable process set forth in Section 155.310.
2. Denied applications that require a public hearing must be reapplied including noticing (if required) submittal of plans, fees and any other documents as determined by the project manager for in order to heard again.

(F) Building Permits

1. Approval of an application under the provision of this code does not provide exemption from any applicable building permits and related fees.
2. Development applications must be approved prior to issuance of a building permit.
3. No building permit shall be issued for the erection, alteration, or use of any building, structure, or part thereof, or for the use of any land or water, which is not in conformity with all the provisions of this chapter.

(G) Outside Agencies

Approval of an application under the provision of this code does not provide exemption from any applicable applications, review or fees that may be required from outside agencies including but not limited to Broward County or Florida Department of Transportation (FDOT).

155.309 APPLICATION WITHDRAWAL PROCESS

- (A) After an application has been accepted for review, the applicant may withdraw the application at any time by submitting a written letter of withdrawal to the Director of Planning and Economic Development.

155.310 APPLICATION REFUNDS

- (A) No refunds will be provided for incomplete or withdrawn applications unless specifically granted by the City Manager or designee.

155.311 APPLICATION APPEAL PROCESS

(A) Right to Appeal

Any party aggrieved by a decision, interpretation, or order made by the Department Director or other administrative official, Board of Adjustment, Planning and Zoning Board, or the

City Commission in administering or enforcing the provisions of the Land Development Code may appeal the decision, interpretation, or order.

(B) Appeal of Planning and Economic Development Department Staff interpretation

1. Procedure

- (a) Code interpretations made by the Planning and Economic Development Department staff are subject to appeal to the Planning and Zoning Board or Board of Adjustment as outlined in this chapter by the petitioner or an affected person based on lack of competent and substantial evidence to support staff's decision.
- (b) In addition to the application and associate fees the person filing the appeal shall submit a written statement to the Director of the Planning and Economic Development Department stating why they believe that the staff's decision was not based on competent and substantial evidence.
- (c) The applicant filing the appeal shall bear the cost of all advertising and notice requirements associated with the appeal.
- (d) The appeal shall be presented to the Planning and Zoning Board as soon as practicable, subject to the notice requirements and procedures set forth herein, for a final determination as to whether or not there was competent and substantial evidence to support staff's interpretation.

(C) Appeal of Board Decisions

1. Procedure

- (a) Decisions of the Board of Adjustment or the Planning and Zoning Board in quasi-judicial proceedings are subject to appeal to the City Commission by either the city, petitioner, or an affected person as defined in § 37.02 based on lack of competent and substantial evidence to support the Board's ruling.
- (b) Any person seeking to appeal must file a written request to appeal with the Director of Planning and Economic Development, or his or her designee, no later than noon on the seventh calendar day following the meeting at which the Planning and Zoning Board has rendered a final decision.
- (c) The applicant filing the appeal shall submit a written statement to the Director of Planning and Economic Development no later than eight days before City Commission meeting at which the appeal shall be heard. This written statement shall state with specificity why the appellant believes that the Planning and Zoning Board's decision was not based on competent and substantial evidence. This written statement shall be included in the agenda for the City Commission meeting at which time the appeal shall be heard.
- (d) The person filing the appeal shall bear the cost of all advertising and notice requirements associated with the appeal.
- (e) The appeal shall be presented to the City Commission as soon as practicable, subject to the notice requirements and procedures set forth herein, for a final determination as to whether or not there was competent and substantial evidence to support the Board's ruling.

(D) Appeal of City Commission Decisions

The final determination of the City Commission with regards to the applications specified in this LDC is subject to judicial review in a court of competent jurisdiction.

(E) Hearings

Hearings before the Planning and Zoning Board and City Commission are not trials de novo but rather appellate in nature. Appeals shall be limited to the written record and new additional evidence shall not be presented.

155.312 APPLICATION DEFERRAL PROCESS

- (A) If an application is subject to a public hearing and required notice of the hearing has already been provided, the applicant may request that the hearing be deferred by submitting a written request for deferral to the Director of the Planning and Economic Development Department before the date on which the public hearing is scheduled.
- (B) The Director of the Planning and Economic Development Department shall submit the request to the body scheduled to hold the hearing, which may grant the request for good cause, or if finding no good cause for deferral, may proceed to hold the hearing, then consider and act on the application.
- (C) If the body grants the request for deferral, it shall be either set to a time certain or a time uncertain.
- (D) If the deferral is granted, the application shall bear all cost associated with deferring the application, which may include noticing.

155.313 ENFORCEMENT

- (A) General
 - 1. Purpose

This Section establishes procedures and standard to ensure compliance with the provision of this LDC and obtain corrections for violation of the LDC.

- 2. Compliance Required

Compliance with all the procedures, standard, and other provisions of this LDC are required by all persons owning, developing, managing, using or occupying land or structures in the City.

- 3. Development or Approval only Authorizes Development Approved

A development order, development approval or permit issued under the provisions of this LDC shall only authorize the specific use, arrangement, location, design, density, or intensity, and development set forth in such approval.

(B) Violations

1. Failure to Comply with the LDC or Term or Condition of Approval:

Any failure to comply with the standards, requirements, prohibition, or limitations imposed by this LDC, or the terms or conditions of any development order or authorization granted in accordance with this LDC shall constitute as a violation of the LDC

2. Specific Violations:

It shall be a violation of this LDC to undertake any activity contrary to the provisions of this LDC, including but not limited to the following:

- (a) Developing land or construct any structure without first obtaining all appropriate approvals and complying with all terms and conditions.
- (b) Occupying land or any structure without first obtaining all appropriate approvals and complying with all terms and conditions.
- (c) Excavating, grading, cutting, clearing, or undertaking any land disturbing activity without first obtaining all appropriate development permits and approvals, and complying with their terms and conditions.
- (d) Removing existing trees from a site or parcel of land without first obtaining appropriate permits and approvals and complying with their terms and conditions.
- (e) Installing, creating, erecting, altering, or maintaining any sign without first obtaining the appropriate building permits and approvals, and complying with their terms and conditions.
- (f) Failing to remove any sign installed, created, erected, or maintained in violation of this Code, or for which the relevant permit or approval has expired.
- (g) Creating, expanding, replacing, or changing any nonconformity except in compliance with this Code.
- (h) Reducing or diminishing the requirements for development, design, or dimensional standards below the minimum required by this Code.
- (i) Increasing the intensity or density of development, except in accordance with the standards of this Code.
- (j) Utilizing or operating a business without obtaining and maintaining a valid Business Tax Receipt.
- (k) Through any act or omission, fail to comply with any other provisions, procedures, or standards as required by this Code.

(C) Enforcement Responsibilities

The Planning and Economic Development Department, Code Compliance Division and other applicable departments shall be responsible for enforcing the provisions of this

LDC. The City Manager or their designee may delegate authority to another City Official to aid in the enforcement of the provision of this LDC.

(D) Code Enforcement Violation and Hearing Procedures

Code Enforcement violation and hearing procedures shall be consistent with procedures set forth within Chapter 32 of the City Code of Ordinances and Chapter 162 of the Florida Statue, as may be amended from time to time.

(E) Notice to Abate

1. When the City Manager or their designee finds that any premises or property within the City may be maintained contrary to one or more of the provisions of this section, shall notify the owner, lessee, occupant, mortgagee, or beneficiary by written notice, served personally or posted on the premises, stating the conditions which constitute the public nuisance and shall order the abatement of the nuisance by a time period consistent with the nature of the violation. Failure to bring about compliance within the time stated shall result in a summons before the Code Enforcement Board, the Special Magistrate, or the County Court. The summons shall be served according to state statutes.
2. Abatement by the City. If the person fails to abate the nuisance within the time set forth, the City may proceed to abate the nuisance.
3. Record of expenses. The City shall keep an itemized account of the expenses involved in abating the nuisance. The City shall post conspicuously on the property and shall also mail to the owner of the property a statement showing the expense of the abatement, together with a notice of the time and place when the statement will be submitted to the Commission for approval and confirmation, and at which time the Commission shall consider objections or protests to the cost of the work.