CITY OF TAMARAC
PLANNING BOARD MEETING

Commission Chamber
Wednesday, August 13, 2025
9:00 AM

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1. **Call to Order**

2. **Pledge of Allegiance**

3. **Roll Call**

4. **Minutes**

4.a **Minutes for June 4, 2025 meeting**

5. **Planning Board Disclosures**

6. **City Attorney Statement & Swearing In**

7. **General Public Comments**

8. **Public Hearing**

8.a **TO2597 - An ordinance of the City Commission of the City of Tamarac, Florida, amending Chapter 10, Article 4 of the City of Tamarac Land Development Code, entitled "Development and Design Standards," by revising Section 10-4.4, entitled "Landscaping and Tree Preservation," to clarify and strengthen the city's landscaping and tree preservation regulations, to enhance consistency in their interpretation, application, and enforcement, and to expand the purposes for which tree preservation trust funds may be used; providing for severability; providing for conflicts; and providing for an effective date.**

8.b **TO2598 - An ordinance of the City Commission of the City of Tamarac, Florida, amending Chapter 10, Article 5 of the City of Tamarac Land Development Code, entitled "Development Review Procedures," by amending Section 10-**

5.2, entitled "Summary Table of Development Review Procedures" , specifically Table 10-5.1 and Table 10-5.2, entitled "General Notice Requirements"; and amending Subsection 10-5.4(J), entitled "Plat Approval," to designate the Director of Community Development as the administrative authority for plat and replat submittals, and to revise plat approval procedures in compliance with Senate Bill 784, amending Section 177.071 Florida Statutes, as set forth in Exhibit "A"; providing for codification; providing for conflicts; providing for severability; and providing for an effective date.

8.c TO2601 - An ordinance of the City Commission of the City of Tamarac, Florida amending Chapter 10, Article 5 of the City of Tamarac Code of Ordinances, entitled "Administration", by amending Section 10-5.3 entitled "Common Review Procedures" by specifically amending Section 10-5.3(C) entitled "Pre-Application Neighborhood Meeting" to require pre-application neighborhood meetings to be open to the public, and to require actual notice to owners of properties within a townhouse, condominium, or timeshare development; providing for codification; providing for conflicts; providing for severability; and providing for an effective date.

9. Quasi-Judicial Hearing

9.a TBO97 - Board Order approving/denying request for Site Plan Extension for Tamarac Day Care located at 7830 N University Drive, to allow for an additional twelve (12) month extension of the Major Site Plan approval (with conditions) for the construction of a new 6,204 square foot childcare facility building and associated 2,750 square foot play area.

10. Planning Board Reports

11. Director's Report

11.a Election of Planning Board Chair and Vice Chair

12. Adjournment

- All board members are urged to attend this meeting. All meetings are open to the public. Any board member who cannot attend this meeting should call the Planning Board Liaison at 954-597-3630. In the event there is no quorum for this meeting, the meeting may be held as a Workshop instead of a Regular meeting, although no formal action may be taken during a Workshop. Planning Board, with respect to any matter considered at such meeting or hearing, they may need to ensure that a verbatim transcript of the proceedings is made which records includes the testimony and evidence upon which the appeal is based.

The City of Tamarac complies with the provisions of the Americans With Disabilities Act. If you are a disabled person, requiring any accommodations or assistance, please notify the City of such need at least 48 hours (2 days) in advance. Additionally, if you are hearing or speech impaired and need assistance, you may contact the Florida Relay Service by dialing 7-1-1.

TAMARAC
The City For Your Life

PLANNING BOARD AGENDA ITEM REPORT

DATE:	August 13, 2025
SUBMITTED BY:	Collette Tibby
ITEM TYPE:	Minutes
AGENDA SECTION:	**Minutes**
TITLE:	Minutes for June 4, 2025 meeting

ATTACHMENTS:
PB Minutes 6-4-2025.pdf

PLANNING BOARD MEETING MINUTES
WEDNESDAY, JUNE 4, 2025
9:00 AM
COMMISSION CHAMBER

1. Call to Order
Meeting called to order by Vice Chair Sajeen Bell-Clark at approximately 9:08 AM

2. Pledge of Allegiance - Led by Vice Chair Sajeen Bell-Clark

3. Roll Call -

Present:
Sajeen Bell-Clark
Alexandra Alvarez
Mara C English
Atherley Soman
Judy P Hunter

Absent and excused:
Nikole Cleare
Jacques R. Moise

4. Minutes

4.a Minutes for May 7, 2025
Moved by Mara C English; seconded by Alexandra Alvarez to Approve.
Motion Approved: 5 - 0
Voting For: Sajeen Bell-Clark, Alexandra Alvarez, Mara C English, Atherley Soman, Judy P Hunter
Voting Against: None

5. Planning Board Disclosures - There were no disclosures

6. City Attorney Statement & Swearing In
Attorney Pamala Ryan stated the meeting proceedings and quasi-judicial proceedings for the items heard.

7. General Public Comments - Opened: 9:14 AM Closed: 9:14 AM

8. Public Hearing

8.a TR14266 - A resolution of the City Commission of the City of Tamarac, Florida, adopting the City's Consolidated Plan for Program Years 2025/2026 to 2029/2030 and approving the projects recommended for inclusion in the Program Year 2025/2026 Annual Action Plan for expenditure of the Community Development Block Grant Funds estimated to be $496,342 for the twenty sixth program year, together attached hereto as Exhibit "A"; authorizing the appropriate City Officials to submit said Consolidated Plan, Annual Action Plan and related documents to the United States Department of Housing and Urban Development; authorizing the Mayor or appropriate City Officials to execute Program Year 2025/2026 Annual Action Plan Federal application for funding; providing for conflicts; providing for severability; and providing for an effective date.

Staff Presentation: Carolyn Francis-Royer, Community Development & Housing Manager

Public Hearing Opened: 9:55 AM
Public Hearing Closed: 9:55 AM

All questions and concerns were addressed

Moved by Sajeen Bell-Clark; seconded by Alexandra Alvarez to Recommend for approval.
Motion Passed: 5 - 0
Voting For: Sajeen Bell-Clark, Alexandra Alvarez, Mara C English, Atherley Soman, Judy hunter
Voting Against: None

8.b TO2592 - An ordinance of the City Commission of the City of Tamarac, Florida, amending the official zoning map of the City of Tamarac referenced in Section 10-2.1(B) of Chapter 10 of the City of Tamarac Code of Ordinances for approximately 2.04 acres of land situated, lying, and being in Broward County, Florida, and legally described as Parcel B, Kings Point Professional Plaza plat, as recorded in Plat Book 114, page 44, of the public records of Broward County, Florida, from the current RC (Recreation) zoning classification to R-3 (Multi-Family Residential) zoning classification, for the subject property located within the Kings Point Clubhouse development at the kings court building at 7600 N Nob Hill Road to allow for a clinic, medical, urgent care, or dental use and provide consistency with the Land Development Code in accordance with the intent of the Comprehensive Plan of the City of Tamarac; (Case No. 1-Z-25); providing for amendment to the official zoning map to reflect such change; providing for conflicts; providing for severability; and providing for an effective date.

Applicant requested withdrawal and cancellation of the application (*see email attached*)
Diane Spence (Kings Point Community) – requested an explanation of the use change. This request was addressed off air by the Director of Community Development.

8.c TO2593 - An ordinance of the City Commission of the City of Tamarac, Florida, terminating "Zoning in Progress" by amending Chapter 10, Article 3, Section 10-3.2, entitled "Table of Allowed Uses", of the City of Tamarac Land Development Code, specifically Table 10-3.1: allowed uses, to remove "Funeral Home" as a permitted use from the Mixed-Use Neighborhood (MU-N) and Mixed-Use Commercial (MU-C) zoning districts and continue to permit "Funeral Home" as a use type within the Business Park (BP) and Public Facilities (PF) zoning districts; providing for codification; providing for conflicts; providing for severability; and providing for an effective date.

Staff Presentation: Ann T. Johnson, Sr. Planner

Public Hearing Opened: 10:15 AM
Public Hearing Closed: 10:15 AM

All questions and concerns were addressed

Moved by Alexandra Alvarez; seconded by Atherley Soman to Recommend for approval.
Motion Passed: 5 - 0
Voting For: Sajeen Bell-Clark, Alexandra Alvarez, Mara C English, Atherley Soman, Judy P Hunter
Voting Against: None

8.d TO2594 - An ordinance of the City Commission of the City of Tamarac, Florida, amending Chapter 10 of the city's code of ordinances, entitled "Land Development Code," by amending Article 2, entitled "Zoning Districts," and specifically Section 10-2.7(C), entitled "Woodlands Overlay District," to provide for the extension of the termination date of the Woodlands Overlay District until such time as the code enforcement structure and officer, funded by Section 9 is established, as required by the Development Agreement between Woodlands Club Holdings, LLLP, and the City of

Tamarac; providing for codification; providing for conflicts; providing for severability; and providing for an effective date.

Staff Presentation: Robert Johnson, Sr. Planner

Public Hearing Opened: 10:26 AM
Public Hearing Closed: 10:26 AM

All questions and concerns were addressed

Moved by Alexandra Alvarez; seconded by Judy P Hunter to Recommend for approval.
Motion Passed: 5 - 0

Voting For: Sajeen Bell-Clark, Alexandra Alvarez, Mara C English, Atherley Soman, Judy P Hunter
Voting Against: None

9. Quasi-Judicial Hearing

9.a TBO95 - Board Order granting/denying Special Exception application for Champion 4x4 Tamarac, to allow for a vehicle service and repair, minor or "auto repair shop" in the MU-C (Mixed-Use Corridor) zoning district, pursuant to the Table of Allowed Uses, Section 10-3.2, Tamarac Code of Ordinances located on the southwest corner of W. Commercial Boulevard (N.W. 50th Street) and W. Prospect Road (see Aerial Photograph above and attached Location Map).

Quasi-Judicial item was heard before the Public Hearing items.

Applicant Presentation: Adrian Simon, Champion 4x4
Staff Presentation: Christian T. Waterval, Planner

Public Hearing Opened: 9:28 AM
Public Hearing Closed: 9:28 AM

All questions and concerns were addressed

Moved by Atherley Soman; seconded by Sajeen Bell-Clark to Recommend for approval with conditions as outlined by staff.
Motion Passed: 5 - 0
Voting For: Sajeen Bell-Clark, Alexandra Alvarez, Mara C English, Atherley Soman, Judy P Hunter
Voting Against: None

9.b TBO94 - Board Order granting/denying Variance applications requesting relief from:

- **Section 10-4.10(E)(2)(a); Table 10-4.12: Façade Sign Standards, to allow for a maximum character "letter" & graphic "logo" height of forty-two inches (42") in lieu of the permitted maximum thirty-one inches (31") on the South Elevation.**
- **Section 10-4.10(D)(3)(f)(i), to allow for two (2) façade signs per street frontage on the South Elevation in lieu of the permitted one (1) façade sign per street frontage to break up the large expanses of façade surface area on the South Elevation.**

Quasi-Judicial item was heard before the Public Hearing items.

Applicant Presentation: Jennifer Ronneburger, Go Permit
Staff Presentation: Christian T. Waterval, Planner

Public Hearing Opened: 9:43 AM
Public Hearing Closed: 9:43 AM

All questions and concerns were addressed

Moved by Alexandra Alvarez; seconded by Atherley Soman to Recommend for approval.
Motion Passed: 5 - 0
Voting For: Sajeen Bell-Clark, Alexandra Alvarez, Mara C English, Atherley Soman, Judy P Hunter
Voting Against: None

10. **Planning Board Reports -** There were no reports from the Board

11. **Director's Report -** The board was updated on items heard at the previous meeting.

11.a Election of Planning Board Chair and Vice Chair

The Board was advised that, due to the absence of members, the election was deferred to the next scheduled meeting.

12. **Adjournment -** The vice chair adjourned the meeting at 10:30 AM

Collette Tibby

Planning Board Secretary

Robert Johnson III

From: richard.levine@comcast.net
Sent: Monday, June 2, 2025 11:35 AM
To: Robert Johnson III
Cc: Michelle J. Gomez; Rich Bobker; Maxine Calloway; Maher Mansour
Subject: Re: [EXTERNAL] Fw: Kings Point Zone Change summary & Docs

This message has originated from an **External Source**. Please use proper judgment and caution when opening attachments, clicking links, or responding to this email.

Good morning, Robert,

Thank you for speaking with me this morning. After we spoke, we decided not to rezone the Kings Court building, as the Dr. Funk cancelled plans to lease it. Please close the file.
Michelle, Maxine, Maher & Robert, thank you for your guidance and patience.
Robert, you have been outstanding throughout the rezoning process.
You should be given an award by the city for professionalism, knowledge, understanding and communication in trying to make our rezoning happen.

Thank you all again!
Richard

Richard Levine
President Granville Neighborhood Association
President Granville F Association
Treasurer Kings Point Tamarac Neighborhoods

Chairman Emeritus Big Brothers Big Sisters
Palm Beach, Martin Counties

Retired VP General Manager Macy's
561-441-5120

From: Robert Johnson III <Robert.Johnson@tamarac.org>
Sent: Monday, June 2, 2025 10:25 AM
To: richard.levine@comcast.net <richard.levine@comcast.net>
Cc: Michelle J. Gomez <Michelle.Gomez@tamarac.org>; Rich Bobker <rbobker@kingspoint.com>; Maxine Calloway <Maxine.Calloway@tamarac.org>; Maher Mansour <Maher.Mansour@tamarac.org>
Subject: RE: [EXTERNAL] Fw: Kings Point Zone Change summary & Docs

Good Morning Richard,
Thank you for the attachments regarding the neighborhood meeting held on Friday 5/23 at 5:00 PM and the meeting summary below.

TAMARAC
The City For Your Life

PLANNING BOARD AGENDA ITEM REPORT

DATE: August 13, 2025

SUBMITTED BY: Collette Tibby

ITEM TYPE: Ordinance

TEMP. ORDINANCE NUMBER: 2597

AGENDA SECTION: **Public Hearing**

TITLE: TO2597 - An ordinance of the City Commission of the City of Tamarac, Florida, amending Chapter 10, Article 4 of the City of Tamarac Land Development Code, entitled “Development and Design Standards,” by revising Section 10-4.4, entitled “Landscaping and Tree Preservation,” to clarify and strengthen the city’s landscaping and tree preservation regulations, to enhance consistency in their interpretation, application, and enforcement, and to expand the purposes for which tree preservation trust funds may be used; providing for severability; providing for conflicts; and providing for an effective date.

ATTACHMENTS:
1-Memo_2597.docx
2. TO#2597 text Amendment 10-4.4.docx

CITY OF TAMARAC
INTEROFFICE MEMORANDUM 25-06-009M
COMMUNITY DEVELOPMENT

TO: Planning Board
Meeting of August 13, 2025

FROM: Maxine Calloway
Community Development Director

DATE: June 18, 2025

RE: Ordinance amending Chapter 10, Article 4, of the City's Land Development Code, entitled "Development and Design Standards," by revising Section 10-4.4, entitled "Landscaping and Tree Preservation," to clarify and strengthen the City's landscaping and tree preservation regulations, to promote consistency in their interpretation, application, and enforcement, and to expand the purposes for which tree preservation trust funds may be used. **– Temp. Ordinance No. 2597**

Recommendation: The Director of Community Development recommends that the Planning Board forward a favorable recommendation to the City Commission for the proposed text amendment to Chapter 10, Article 4, entitled "Development and Design Standards," Section 10-4.4, entitled "Landscaping and Tree Preservation," to clarify and strengthen the City's landscaping and tree preservation regulations, to promote consistency in their interpretation, application, and enforcement, and to expand the purposes for which tree preservation trust funds may be used. The item is scheduled for consideration by the City Commission on First Reading at its August 27, 2025 meeting and on Second Reading at its September 10, 2025 meeting (see attached Temporary Resolution No. 2597).

Issue: Section 10-4.4, entitled "Landscaping and Tree Preservation," of the City's Land Development Code complies with the stringency requirements of Broward County and establishes a solid framework for tree protection and landscaping standards. To support consistent interpretation and application while continuing to meet Broward County's requirements certain provisions would benefit from additional clarification. A text amendment is therefore proposed to improve the clarity, enforceability, and overall implementation of the section.

Background: Pursuant to Article VIII, Section 2(b) of the Florida Constitution and Section 166.021, Florida Statutes, municipalities possess broad home rule authority to adopt ordinances that advance public health, safety, and welfare. On June 28, 2023, the City Commission exercised this authority by adopting an ordinance establishing Tamarac's autonomous landscaping and tree preservation regulations. In accordance with Section 27-407 of the Broward County Code of Ordinances, as amended, the City subsequently notified the Broward County Resilient Environment Department (RED) of its action and affirmed its ability to enforce a municipal tree preservation ordinance within its jurisdiction that does not conflict with County regulations.

On August 7, 2023, RED issued a determination confirming that the City's ordinance is at least as stringent as the County's Tree Preservation and Abuse Ordinance (Article XIV, Sections 27-

401 through 27-415, Broward County Code of Ordinances). As a result, RED issued formal notification, effective August 14, 2023, that the City of Tamarac has satisfied the requirements for County Municipal Certification pursuant to Section 27-407 of the Broward County Code. This certification recognizes Tamarac’s authority to administer its own Tree Preservation Program within the City's municipal boundaries.

Following this certification, staff have identified the need to amend the text of Section 10-4.4 to improve clarity; add definitions; enhance regulatory language; strengthen provisions related to tree removal standards, nuisance species, landscape maintenance responsibilities, hazardous tree management; and broaden the scope of eligible expenditures from the Tree Preservation Trust to ensure more consistent application and enforcement of the City’s Tree Preservation Program.

Analysis: The ordinance amends Section 10-4.4, entitled “Landscaping and Tree Preservation,” to clarify existing language, introduce additional provisions, and ensure consistency across subsections. It strengthens language related to tree protection, relocation, and enforcement. Additional definitions have been added to improve clarity and interpretation. Tree removal license requirements and standards have been enhanced to provide more robust criteria for review and approval. The list of nuisance trees has been updated to include species identified on the Florida Invasive Species Council’s List of Invasive Plant Species. Landscape maintenance provisions have also been revised, particularly for properties adjacent to rights-of-way, and now include clearer standards for the management of hazardous trees. Finally, the scope of eligible expenditures from Tree Preservation Trust funds have been expanded.

Amendment to Text of Development Code

(a) Is consistent with the Comprehensive Plan;

The City’s Comprehensive Plan, Future Land Use Element, Objective 1, requires the City to amend its Land Development Code as needed to address changing conditions. The proposed amendment reflects current operational needs and enhances the City’s ability to implement and enforce its landscaping and tree preservation policies effectively.

(b) Conflicts with any other provisions of the Tamarac City Code;

The proposed amendment does not conflict with other provisions of the City’s Code and is limited to landscaping and tree preservation.

(c) Is required by changed conditions;

The amendment responds to the operational need for clarity, consistent enforcement, and improved regulatory organization identified during implementation.

(d) Addresses a demonstrated community need;

The revised ordinance supports the City’s beautification and environmental preservation goals, ensuring consistent application and timely enforcement of tree preservation standards.

(e) Is consistent with the purpose and intent of the zoning districts in this Ordinance, or would improve compatibility among uses and would ensure efficient development within the City;

The amendment enhances the clarity and enforceability of the landscaping and tree preservation requirements, which support compatibility among uses and contribute to efficient site development.

(f) Would result in a logical and orderly development pattern; and

Clearer and more consistent regulations promote logical development by ensuring uniform application across all projects and properties.

(g) *Would avoid significantly adverse impacts on the natural environment—including, but not limited to, water, air, noise, stormwater management, wildlife, vegetation, wetlands, and the natural functioning of the environment*.

The enhanced standards support proactive tree protection, promote appropriate mitigation practices, and advance the City's environmental preservation objectives.

Conclusion: The ordinance supports the City's Strategic Plan Goal #1, "Tamarac is Home," and Goal #4, "Tamarac is Vibrant," by promoting a safe, attractive, and environmentally sustainable landscape throughout the community. It enhances the preservation of natural resources, improves public safety, and supports a visually cohesive urban environment.

Accordingly, the Director of Community Development recommends that the Planning Board forward a favorable recommendation for the proposed text amendment to Chapter 10, Section 10-4.4 of the City of Tamarac Code of Ordinances, entitled "Landscaping and Tree Preservation," to the City Commission on First Reading at its August 27, 2025 meeting, and on Second Reading at its September 10, 2025 meeting.

Fiscal Impact: The proposed amendment is administrative in nature and does not introduce new costs or revenue.

Maxine A. Calloway,
Director of Community Development

MAC/MM

Attachment: Temporary Ordinance No. 2597

CITY OF TAMARAC, FLORIDA

ORDINANCE NO. ____

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF TAMARAC, FLORIDA, AMENDING CHAPTER 10, ARTICLE 4 OF THE CITY OF TAMARAC LAND DEVELOPMENT CODE, ENTITLED "DEVELOPMENT AND DESIGN STANDARDS," BY REVISING SECTION 10-4.4, ENTITLED "LANDSCAPING AND TREE PRESERVATION," TO CLARIFY AND STRENGTHEN THE CITY'S LANDSCAPING AND TREE PRESERVATION REGULATIONS, TO ENHANCE CONSISTENCY IN THEIR INTERPRETATION, APPLICATION, AND ENFORCEMENT, AND TO EXPAND THE PURPOSES FOR WHICH TREE PRESERVATION TRUST FUNDS MAY BE USED; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Article VIII, Section 2(b) of the Florida Constitution and Section 166.021, Florida Statutes, confer broad home rule authority upon municipalities to adopt ordinances necessary to promote the health, safety, and welfare of their citizens; and

WHEREAS, Article IV, Section 4.07 of the City Charter of the City of Tamarac ("City") empowers the City Commission to adopt, amend, or repeal such ordinances as may be required for the proper governance of the City; and

WHEREAS, the City Commission adopted the current landscaping and tree preservation ordinance on June 28, 2023, thereby establishing the framework for the City's autonomous enforcement of its landscaping and tree preservation regulations, in accordance with Section 27-407 of the Broward County Code of Ordinances, which governs municipal certification; and

CODING: Words in ~~strike through~~ type are deletions from existing law; Words in <u>underlined</u> type are additions.

WHEREAS, the proposed text amendment to Section 10-4.4 of the City's Land Development Code is intended to clarify and strengthen the City's landscaping and tree preservation standards, promote consistency in their interpretation, application, and enforcement, and expand the purposes for which tree preservation trust funds may be used; and

WHEREAS, the proposed revisions support the City's adopted Strategic Plan, including "Tamarac is Home" (Goal #1) and "Tamarac is Vibrant" (Goal #4), by enhancing the quality, appearance, and environmental integrity of public and private spaces; and

WHEREAS, the City's adopted Comprehensive Plan, Future Land Use Element, Objective 1, requires the City to maintain and update its Land Development Code to reflect changing needs and conditions; and

WHEREAS, the Director of Community Development recommends approval of the proposed amendment to Section 10-4.4; and

WHEREAS, the City Commission finds that the amendments to Section 10-4.4, "Landscaping and Tree Preservation," are in the best interest of the public and necessary to promote consistent, clear, and locally enforceable regulations that reflect the City's values and environmental goals.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF TAMARAC, FLORIDA, AS FOLLOWS:

SECTION 1. The foregoing recitals are hereby ratified and confirmed as

being true and correct and are hereby made a specific part of this Ordinance upon adoption hereof.

SECTION 2. That Chapter 10, Section 10-4.4 entitled, "Landscaping and Tree Preservation" of the Land Development Code of the City of Tamarac, Florida is hereby amended as follows:

10-4.4 Landscaping and Tree Preservation

(A) **Purpose.**

This section contains the minimum standards for the development, installation, and maintenance of landscaping and screening and the preservation of trees within the City of Tamarac. The intent of this section is to protect ~~and~~, ~~enhance~~, and preserve the quality of the air, water, soil, wildlife habitats, and other natural resources, as well as enhance property values, and aesthetic qualities in the City, while promoting the general public health, safety, and welfare of its residents and visitors. The City also recognizes that Improper tree care and removal have a detrimental effect that causes or cumulatively worsens environmental deterioration, air and water pollution, and blight. These standards ensure landscaping is an integral part of every development that will:

(1) Conserve existing landscaping and natural vegetation while maintaining, preserving, expanding and enhancing the existing tree canopy in the City, and protecting the natural environment and beauty of the City by regulating the unnecessary destruction, removal, or damaging of desirable trees and plant life;

(2) Mitigate against erosion and sedimentation by stabilizing the soils through the cultivation and protection of root systems that hold and consolidate soil and other loose earthen materials as well as restore soils and land bared as a result of construction or grading;

(3) Reduce stormwater runoff and associated impacts by intercepting, dispersing, and absorbing rainfall, slowing down surface flow, filtering pollutants from runoff, and conserving water supplies by allowing more rainfall to stay in the water table, minimizing water used for landscaping maintenance;

(4) Encourage building and paved surface cooling through shading and the channeling of breezes, thereby helping to offset global warming and lowering ambient temperatures through transpiration;

(5) Contribute and encourage of air movement, air purification, and oxygen regeneration by removing carbon dioxide and pollutant gases from the air and producing oxygen that helps dilute air pollutant concentrations;

(6) Stimulate economic development by increasing the City's attractiveness and quality of life for shoppers, visitors, residents, and employers through incorporating human scale into the urban environment by breaking up the visual impact of structures and parking lots while providing a sense of privacy from neighbors and public rights-of-way;

(7) Maintain the continued vitality of natural habitats for the propagation and protection of wildlife, birds, game, fish, and other aquatic life;

(8) Buffer excessive or undesirable impacts from street traffic or adjacent land uses and activities by absorbing and deflecting sounds, limiting glare created by exterior lighting, and screening undesirable views; and

(9) Support the core components of crime prevention through environmental design (CPTED) through natural surveillance, access control, and territoriality.

(B) **Documents Incorporated by Reference**

The following documents, as amended, are adopted as standards and are incorporated by reference in this section: The American National Standards Institute ("ANSI") A-300, Standards for Tree Care Operations: Tree, Shrub and Other Woody Plant Maintenance-Standard Practices, and Z133.1-2006, Arboricultural Operations: Pruning, Trimming, Repairing, Maintaining, and Removing Trees, and Cutting Brush - Safety Requirements; Florida Department of Agriculture and Consumer Services, Division of Plant Industry, Grades and Standards for Nursery Plants; Nelda Matheny and Jim Clark, Trees and Development: A Technical Guide to Preservation of Tree During Land Development; Council of Tree and Landscape Appraisers, Guide for Plant Appraisal, Tenth Edition, 2019; Richard Harris, Arboriculture Integrated Management of Landscape Trees, Shrubs and Vines, Fourth Edition; Gary W. Watson and E.B. Himelick, Principles and Practices of Planting Trees and Shrubs; Florida Urban Forestry Council's poster, Selecting and Planting Trees for the South Florida Urban Forest; and Florida Power and Light's brochure, Plant The Right Tree In the Right Place, South Florida version; Timothy K. Broschat & Alan W. Meerow, Betrock's, Reference Guide to Florida Landscape Plants, Third Printing, 1994; Edward F. Gilman, Trees for Urban and Suburban Landscapes, 1st Edition, 1997; and Dr. George K. Rogers, Landscape Plants For South Florida: A Manual For

Gardeners, Landscapers & Homeowners, 1st Edition, 2009; and Florida Invasive Species Council's List of Invasive Plant Species.

(C) **Definitions**

When a word, term, or phrase is not defined herein, the definitions set forth in Section 10-4.4 of the Code and publications recognized as authoritative in the scientific and engineering fields, as applicable, shall apply. Such publications shall include the publications incorporated by reference in ~~section~~ subsection (C) of this section.

The following words, phrases, and terms when used in this article shall have the indicated meanings:

Breast height means a height of four and one-half (4½) feet above the natural grade.

Canopy coverage means the areal extent of ground within the drip line of the tree.

Conservation easement means a right or interest in real property as defined in § 704.06, F.S., as amended.

Department: City of Tamarac Community Development Department

Destruction of the natural habit of growth means pruning that causes irreparable damage and permanent disfigurement to a tree such that, even with regrowth, the tree will never regain the original characteristics of its tree species; or pruning which amounts to tree abuse as defined herein that results in the death of the tree.

Diameter breast height (DBH) means the diameter of the trunk of a tree measured at breast height. The DBH of trees with multiple trunks shall be the sum of the individual trunk diameters at breast height. Trees with less than four and one-half (4½) feet of clear trunk shall be measured as the diameter of the largest vertical branch or leader at breast height.

Director means Director of Community Development.

Drip line means the peripheral limits of the horizontal crown of a tree spread vertically to the ground; provided, however, that the same shall not be less than a circle with a five-foot radius measured from the center of the tree.

Effectively destroy means to cause, suffer, allow or permit any act which will cause a tree to die or go into a period of unnatural decline within a period of one (1) year from the date of the act. Acts which may effectively destroy a tree include, but are not limited to, damage inflicted upon the root system by heavy machinery, excessive trimming, changing the natural grade above the root system or around

the trunk, damage inflicted on the tree permitting infection or pest infestation, application of herbicides or other chemical agents or intentional fire damage to the tree permitting infection or pest infestation, the infliction of a trunk wound that is 50 percent or greater of the circumference of the trunk, or the removal of sufficient canopy to cause the unnatural decline of the tree.

Environmentally sensitive land means a land designation as defined in the Broward County Land Use Plan.

Hatrack shall mean to sever the leader or leaders, or to prune a tree by stubbing of mature wood.

Hazardous tree means any tree that poses a threat to public safety, property, or the lawful use of land. This includes trees that create a safety hazard to pedestrian or vehicular traffic or that may disrupt public utility services; trees that endanger existing buildings, structures, or other improvements; trees that obstruct reasonable access to a lot or parcel, provided the proposed access complies with applicable regulations; diseased trees that threaten the health or safety of people, buildings, improvements, or other trees; trees significantly weakened by age, storm, fire, or other injury such that they present a danger to persons or property; or trees that prevent the lawful development or physical use of a lot or parcel.

Historical tree means a particular tree or group of trees which has historical value because of its unique relationship to the history of the region, state, nation or world as designated by the City Commission.

Horizontal plane shall mean an imaginary line that begins at the base of the live frond petioles.

Land clearing means the clearing of vegetation and soils for the purpose of land development activities. This includes, but is not limited to, construction for buildings, rights-of-way, utility easements, access or drainage ways, parking lots and other structures, rock mining, the control of weeds or the initial clearing of vegetation to enhance property value or agricultural activities that involve the removal of trees as defined by this article.

Local area of particular concern means a land designation as defined in Section 5-182(j) of the Broward County Land Development Code, as amended.

Mitigation means to compensate for impacts to tree(s).

Natural Forest Community means a vegetated area generally comprised of a canopy, subcanopy and groundcover, and which meets the criteria for the classification of an area as a Natural Forest Community under Chapter 27, Article XIV, Section 411 of the Broward County Code of Ordinances.

Natural Resource Area means a land designation as defined in Article IX, Section 5-280 of the Broward County Land Development Code, as amended.

Nuisance Trees means any non-native plants or trees as determined by the Florida Exotic Pest Plant Council, that are altering native plant communities by displacing native species, changing community structures or ecological functions, or hybridizing with natives.

Owner-occupied means a dwelling in a habitable condition occupied by the owner of record, as the owner's primary residence, and holding a valid Certificate of Occupancy.

Overlift means the removal of the majority of the inner lateral branches and foliage thereby displacing weight and mass to the ends of the branches. The alteration of the tree's live crown ratio may be considered as evidence of overlifting

Person means any natural person, individual, owner, operator, public or private corporation, firm, association, joint venture, partnership, municipality, governmental agency, political subdivision, public or private utilities, public officer, responsible party or any other entity whatsoever, or combination thereof, of whatever kind.

Preservation area means the portion of a Natural Forest Community which shall be preserved in perpetuity, pursuant to a tree removal license.

Property owner means the person or persons shown on the county real estate tax records as the owner of the property.

Protective barrier means conspicuously colored fences or like structures constructed of sturdy materials that are at least four (4) feet in height which prevent or obstruct passage.

Power line or *power lines* means a cable carrying electrical power that is supported by poles or pylons.

Prune or *trim* means to cut away, remove, cut off or cut back parts of a tree.

Public right-of-way means all streets, roads, alleys, lanes, waters or other public ways where the public has the right to travel or which are open to the use of the public.

Remedial action means a corrective action required to offset the impacts of Tree Abuse, as defined herein.

Remedial pruning means the cutting and trimming of branches and foliage so as to alleviate the danger of the tree damaging power lines, consulting with American Natural Standards Institute ("ANSI") A300 (Part I)—2001 Pruning Standards, as

amended, and ANSI Z133.1-2000 Pruning, Repairing, Maintaining, and Removing Trees, and Cutting Brush—Safety Requirements, as amended.

Removal means to cut down, dig up, destroy, effectively destroy, or the unlicensed relocation of any tree.

Resource Management Plan means a plan that will enhance a preservation area of a Natural Forest Community to compensate for the development of a portion of the Natural Forest Community.

Right Tree, Right Place Guidelines shall mean those guidelines for planting trees near power lines, published within Florida Power & Light Company's "Right Tree, Right Place" brochure. These guidelines require that trees be placed as follows:

(1) Trees, including palms, less than twenty (20) feet in height at maturity may not be planted under power lines.

(2) Trees, other than palms, twenty (20) feet to thirty (30) feet in height at maturity shall be planted at least twenty (20) feet away from power lines.

(3) Trees, other than palms, greater than thirty (30) feet in height at maturity shall be planted at least thirty (30) feet away from power lines.

(4) Palm trees greater than twenty (20) feet in height at maturity shall be planted either twenty (20) feet or at one (1) maximum palm frond length plus ten (10) feet away from power lines, whichever is greater.

Shape means the regular and frequent shearing of outer tree branches, making pruning cuts of one inch in diameter or less, for the purpose of controlling the size and shape of the tree canopy.

Shearing means the cutting of many small diameter stems of one (1) inch in diameter or less.

Specimen tree means any tree which has a DBH of eighteen (18) inches or greater with a condition rating of sixty percent (60%) or greater in accordance with the condition rating guidelines as specified in the *Guide for Plant Appraisal,* 9th edition, as amended; with the exception of the following:

(1) Non-native fruit trees that are cultivated or grown for the specific purpose of producing edible fruit, including, but not limited to: mangos, avocados, or citrus.

(2) Species of the genus Ficus except F. aurea (strangler fig), F. laevigata (short leaf fig), F. rubiginosa (rusty fig or rusty leaf fig), F. jacquinifolia;

(3) All multi-trunk palms.

(4) Trees that are in poor condition or form as determined by the Community Development Department.

Structure means anything built or constructed. Examples include, but are not limited to, buildings, trailers, fences, billboards, swimming pools, poles, pipelines, ditches, roads, utility installation, transmission lines, track and advertising signs.

Subcanopy means an intermediate level of trees and other vegetation within a Natural Forest Community.

Substantial deviation means any proposed modification or modification to a development, a license or a license application which, either individually or cumulatively with other changes, creates a reasonable likelihood of additional environmental impact, as covered by the scope of this article, or any change or proposed change that may result in any impacts on trees or Natural Forest Communities not previously reviewed by the Community Development Department as covered by the scope of this article.

Topiary pruning means the practice of pruning a tree into an ornamental shape by pruning branches one inch in diameter or less.

Tree means any living, self-supporting, dicotyledonous or monocotyledonous woody perennial plant which has a DBH of no less than three (3) inches and which normally grows to an overall height of no less than ten (10) feet in Southeast Florida.

Tree canopy means the upper portion of the tree consisting of limbs, branches, and leaves.

Tree removal license means a written authorization with conditions issued by the Community Development Department to remove or relocate a tree.

Tree survey means a document signed and sealed by a Florida Registered Land Surveyor meeting the requirements of Section 472.025, Florida Statutes, as amended, which must provide, at a minimum, the following information:

(1) The location, plotted by accurate techniques, of all existing non-nuisance trees;

(2) The common and scientific name of each tree;

(3) The DBH of each tree, or if a multiple-trunk tree, the sum DBH for all trunks; and

(4) Canopy coverage.

Urban Wilderness Inventory Area means a land designation as specified in Section 5-182(j) of the Broward County Land Development Code, as amended.

Wildlife utilization means an area used by wildlife for habitat/feeding.

(D) **General Prohibitions**

Unless otherwise authorized by this section, no person shall cause, suffer, permit or allow:

(1) The removal of any Historical tree without first obtaining approval from the Department to conduct the removal.

(2) The removal of any tree without first obtaining a tree removal license from the City Commission as herein provided.

(3) Tree abuse as defined by this section.

(4) Any encroachments, excavations, or change of the natural grade within the drip line of a tree unless it can be demonstrated to the Department prior to the commencement of said activity, that the activity will not negatively impact any tree.

(5) Land clearing or the operation of heavy equipment in the vicinity of a tree without placing and maintaining a protective barrier around the drip line of the tree. The protective barrier shall be conspicuous enough and high enough to be seen easily by operators of trucks and other equipment.

(6) The storage or use of materials or equipment within the drip line of any tree, or attachments, other than those of a protective and non-damaging nature, to any tree.

(7) Land clearing, including the removal of understory, in an area designated as a Natural Forest Community without first obtaining a letter of authorization or a Tree Removal License from the Department as herein provided.

(E) **General Exemptions**

(1) During emergency conditions caused by a hurricane or other natural disaster, the provisions of this article may be suspended by the direction of the City Manager.

(2) Nuisance Trees. Nuisance trees as defined by this article are exempt from the prohibitions set forth in subsection (D) provided that no condition is created which poses an imminent threat to public safety or property. In such cases, the nuisance tree shall be removed to alleviate any threat. Failure to remove said tree after warning from the Department shall constitute a violation of this article.

(3) Pursuant to Section 163.045, Florida Statutes, as amended, pruning, trimming, removal, or replanting of, or mitigation for impacts to, a tree on residential property is exempt from any notice, application, approval, permit, fee, or

mitigation requirements of this article if the property owner obtains documentation from an arborist certified by the International Society of Arboriculture or a Florida licensed landscape architect that the tree presents a danger to persons or property. This exemption does not apply to the exercise of specifically delegated authority for mangrove protection pursuant to Sections 403.9321 through 403.9333, Florida Statutes, as amended.

(F) **Tree Removal License Requirements and Standards**

(1) *License Requirements:*

(a) Unless otherwise exempted by this article, a person shall obtain a tree removal license prior to relocating or removing a tree.

(b) Unless otherwise exempted by this article, any person who removes a tree or who negatively impacts a Natural Forest Community in violation of this article shall be required to offset any environmental impacts through mitigation.

(c) Exemptions from Licensing: Unless otherwise prohibited by the City Code, the following activities are exempted from the licensing requirements of this article provided that no nuisance or any condition which adversely affects the environment or public health is created, and provided that the activity does not violate any provisions of the City Code, or Broward County, or federal, state:

i. Removal of any tree that is hazardous to the extent that its continued existence creates an imminent threat to public safety or property. In order to claim this exemption, the owner of the property must document by photographs or other evidence that such condition(s) existed prior to the removal of the tree. In the case of Natural Forest Communities, specimen trees or historic trees, documentation of the condition must be presented to the Department within forty-eight (48) hours of removal;

ii. Removal of any tree on owner-occupied residential properties of one (1) acre or less developed for detached single-family and duplex usage, except the following:

A. Previously preserved, relocated or replaced trees that were preserved, relocated or replaced pursuant to a tree removal license; or

B. Historical or specimen trees; or

C. Trees that, if removed, would result in the property not satisfying the minimum tree quantity requirements specified in Table 10-4.6.

iii. Removal of trees by all City and Broward County-licensed nurseries, botanical gardens and commercial grove operations, but only in relation to those trees which are planted and grown for the sale or intended sale to the general public in the ordinary course of the licensed business;

iv. Removal of trees by all governmental and private nurseries with respect to trees which have been planted and grown for future relocation;

v. Removal of trees, except historical or specimen trees, by franchised utility companies other than electrical utilities, provided that:

A. The utility company provides written notice to the Department and the record owner of the property on which the trees proposed to be removed are located of the intent to remove trees; the written notices shall be delivered, at minimum, fifteen (15) days prior to the intended tree removal; and

B. The utility company can demonstrate to the Department prior to tree removal that:

1. The tree will cause a continual disruption of service. A specimen palm tree may be removed under this exemption;

2. The easement or property was in actual use conveying utilities prior to the effective date of this section; and

3. The threat of service interruption cannot be remedied by tree pruning in accordance with standards as set by the American National Standards Institute, as amended;

vi. Removal of a tree by an electrical utility company if the tree is located within the electrical utility company's right-of-way or utility easement where power lines are located. The electrical utility company may also remove a tree outside of its right-of-way or utility easement if the tree does not comply with the Right Tree, Right Place Guidelines. In the case of the removal of specimen trees or historical trees, the electrical utility shall document by photographs or other evidence that the tree does not comply with the Right Tree, Right Place Guidelines prior to removal of the tree and must present such documentation to the Department within forty-eight (48) hours after removal;

vii. Removal of a tree on private property by the private property owner if the tree does not comply with the Right Tree, Right Place Guidelines. Except as provided for in this subsection, the owner of the property must document by photographs or other evidence that the tree is not in compliance with the Right Tree, Right Place Guidelines prior to removal. In the case of Natural Forest Communities, specimen trees, or historical trees, documentation of the condition must be presented to the Department within forty-eight (48) hours after removal. The collection and presentation of documentation shall not be required if the private property owner has received a notice of violation for the tree; or

viii. Removal of nuisance trees.

(2) **License Application Requirements:**

(a) Application forms: A license application for removing or relocating trees shall be submitted by a property owner or authorized agent of the owner, on City approved application form(s).

(b) Fees: The license application must be accompanied by the required fee(s) as established by the City. License application fees are non-refundable and non-transferable.

(c) Required application data: The license application must be accompanied by documents and drawings as required by the Department that describe the proposed activities to be performed in sufficient detail to meet the standards in this section and to clearly identify all potential impacts to the environment and public health. Application data required shall include, but is not limited to:

i. A map showing the size and location of the site where the licensed activities are to be conducted;

ii. A starting date and duration of the proposed activities;

iii. A brief description of the work to be performed, including a drawing of the proposed work or a certified site plan, as determined by the Department, showing the location of all existing or proposed buildings, structures, and site uses;

iv. For development on undeveloped property or for redevelopment of property, a certified tree survey and site plan of identical scale designating those trees which are proposed to be preserved, relocated, or removed is required. All tree survey(s) or site plan(s)

must be prepared by a person(s) qualified to do so under the Laws of Florida;

v. The legal description of the site.

(3) *Licensing Standards for Tree Removal, Relocation, and Replacement:*

(a) Any person conducting tree removal activities shall only remove a tree or trees from a site as approved for removal in a City tree removal license.

(b) Damage to any other tree or trees on the site during tree removal activity shall constitute a violation of this section.

(c) An applicant may be eligible to receive a tree removal license if one of the following considerations is present:

i. Whether a proposed development cannot be located on the site without tree removal;

ii. Whether the applicant has made every reasonable effort to incorporate existing trees in the development project and to minimize the number of trees removed;

iii. Whether a tree proposed to be removed is of poor quality and condition;

iv. Whether a tree proposed to be removed is obstructing safe vehicular cross visibility;

v. Whether a tree proposed to be removed is damaging existing improvements;

vi. Whether a tree proposed to be removed is creating ongoing safety problems for existing development;

vii. Whether a tree proposed to be removed is growing too close in proximity to another tree(s) to permit normal growth and development of the affected tree(s); or

viii. Whether a tree proposed to be removed is listed on the Florida Exotic Pest Plant Council's List of Invasive Plant Species, as amended.

If an application meets the above criteria, the Department will prior to issuing any tree removal license conduct a tree relocation evaluation pursuant to § 10-4.4(F)(4).

(d) Removal or relocation of a tree or trees found in an area designated as a Natural Forest Community shall be conducted pursuant to Broward

Code of Ordinances, Chapter 27, Article XIV, Section 411(b) in addition to the requirements of Chapter 27, Article XIV, Section 408.

(4) *Tree Relocation Evaluation:*

(a) For tree relocation, the Department shall make the following evaluations:

i. A tree which meets the criteria for removal as specified in §10-4.4(F)(3)(c) shall be relocated, unless it is demonstrated that relocation is not a viable alternative for a particular tree. If relocation is not a viable solution, the applicant shall replace a removed tree, pursuant to the requirements set forth in this article; and

ii. Whether relocation is on the property or off the property, due to lack of available space on the property. Where relocation is to occur onto another property, written authorization from the property owner shall be required.

(5) **Tree Relocation Requirements:** Any person conducting tree relocation activities shall:

(a) Not unnecessarily damage any other tree or trees remaining on-site while relocating a tree;

(b) Relocate a tree so that it will not interfere with existing or proposed utilities, either above or below ground. Relocated trees shall be in compliance with the Right Tree, Right Place Guidelines.

(c) Relocate a tree to an area with adequate space for root and canopy development;

(d) Ensure successful relocation and transplanting of trees by adhering to the following guidelines for transplanting a tree:

i. Any tree being relocated shall not be unnecessarily damaged during removal, transport or replanting of that tree;

ii. If a tree has a dormant period, it should be transplanted during that time. A tree should not be transplanted during periods of strong, dry winter winds or during droughts;

iii. Adequate space for root and canopy development shall be provided;

iv. Prior to transplanting, the tree shall be root and canopy pruned according to sound arboricultural standards. All crown pruning shall

be done in accordance with standards set by the American National Standards Institute, as amended;

v. During and following transplanting of a tree, the root ball and trunk shall be protected. The root ball must be kept moist at all times;

vi. A transplanted tree shall be braced for at least one (1) year after its relocation; and

vii. A transplanted tree shall be fertilized as appropriate and shall be watered sufficiently until tree growth is re-established.

(6) **Tree Relocation Maintenance/Monitoring Requirements:** Any person conducting tree relocation activities shall:

(a) Maintain the health of a relocated tree for a period of one (1) year from the date of planting;

(b) Replace, within sixty (60) days, a relocated tree that dies or is determined by the Department to be effectively destroyed within one (1) year of being relocated. The one (1) year maintenance period shall begin anew whenever a tree is replaced. For projects that include the relocation of ten (10) or more trees, a ten (10) percent mortality allowance will apply. If ninety (90) percent or more of the relocated trees are determined to be viable after a period of one (1) year, the project shall be considered successful and replacement trees will not be required for the remaining ten (10) percent of the trees that die or are in a state of decline; and

(c) Remove all strapping and bracing material from all relocated trees at the end of the one (1) year monitoring period. This should normally occur after seven (7) months for broad leaf trees and twelve (12) months for palm trees. Exemptions to this rule shall require the Department's approval.

(7) **Tree Relocation Bond Requirements:**

(a) Unless otherwise exempted by this article, any person conducting tree relocation activities involving specimen trees must post a bond to insure the survival of specimen trees designated for preservation. Said bond shall meet the approval of the City Attorney and may be in the form of a letter of credit drawn upon banks or savings and loan institutions legally doing business in the State of Florida, cash bonds issued by an insurance company legally doing business in Florida or other acceptable means as approved by the City Attorney. This bond shall be in addition

to any other bond that may be required by any other governmental entity.

(b) Determination of the bond amount shall be computed based upon the most current version of the Guide for Plant Appraisal, published by the International Society of Arboriculture.

(c) Government entities are exempt from bond requirements.

(d) Release of Bonds:

i. Tree relocation bonds will be released upon successful tree relocation as set forth in § 10-4.4(F)(6) and written approval by the Department. Bonds involving specimen trees shall be released upon completion of construction activities, if it is determined by the Department that the tree(s) is/are not effectively destroyed.

ii. Bonds may be released by the Department when a tree removal license is transferred. The Department may condition the release of the bond upon the posting of a new bond by the subsequent licensee.

(e) Drawing on Bonds:

i. If a tree is determined by the Department to be effectively destroyed within one year from the date of relocation, the bond shall be drawn upon and funds will be deposited into the City Tree Preservation Fund.

(8) **Tree Replacement in Lieu of Tree Relocation:**

(a) When it is determined by the Department that tree relocation cannot be accomplished, an applicant shall replace trees pursuant to § 10-4.4(F)(9).

(9) **Tree Replacement Requirements:**

(a) Tree Replacement Requirements for Non-Specimen Trees:

i. If the Department determines that a removed tree cannot be successfully relocated, said tree shall be replaced to compensate for lost tree canopy coverage.

ii. The following criteria shall be used by the Department to determine the tree replacement requirements:

A. The tree canopy coverage of a site shall be determined using any combination of the following methods:

a) Review of aerial photography;

b) On-site inspection; and/or

c) Review of a tree survey.

B. A tree that is successfully relocated pursuant to § 10-4.4(F) need not be replaced.

C. Native trees identified in Tables 10-5.0, 5.1, 5.2, 5.3 10-4.7, 4.8, 4.9 of this article must be planted to replace native tree canopy coverage removed.

D. For tree replacement requirements of one (1) to five (5) trees, a minimum of one (1) species shall be utilized as a replacement tree. For six (6) to ten (10) replacement trees required, a minimum of two (2) species shall be utilized. For eleven (11) to twenty (20) replacement trees required, a minimum of three (3) species shall be utilized. For twenty one (21) to fifty (50) replacement trees required, a minimum of four (4) species shall be utilized. For fifty one (51) or more replacement trees required, a minimum of five (5) species shall be utilized.

E. Per §§10-4.4(F)(3)(c)(i) and (ii),for For trees removed prior to obtaining a Tree Removal License, and trees meeting development criteria, an additional fifty (50) percent tree replacement shall be required.

F. Failure of an owner to replace a removed tree with an equivalent replacement within 60 days after being notified by the Department shall be a violation of this Code.

G. No Improvement Permit shall be issued without an approved Tree Removal License.

H. Removal, replacement, or relocation shall take place before a Certificate of Occupancy is granted.

I. The number of required replacement trees shall be based upon the size of area of impact and the category of replacement trees selected by the applicant. The canopy of the replacement trees at maturity shall at least equal the canopy removed. The following table shall be used to determine the number of required replacement trees:

Replacement Tree Category (See Tables ~~10-5.0, 5.1, 5.2, 5.3~~ 10-4.7, 4.8, 4.9)	Replacement Canopy Area Credit (In Square Feet)

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Category 1 Tree	300
Category 2 Tree	150
Category 3 Tree	100
Category 4 Tree	50

(b) Tree Replacement for Specimen Trees:

i. A tree appraisal will be performed by the Department to determine the dollar value of any specimen tree approved by the Department for removal. This appraisal shall be pursuant to the *Guide for Plant Appraisal, 9th Edition,* as amended, by the Council of Tree and Landscape Appraisers.

ii. The Department will then calculate the number of replacement trees required to equal the appraised value of the specimen tree removed. This calculation shall include the purchase price of the replacement tree, plus installation costs. The applicant will be required to compensate the number of replacement trees indicated by the Department for the removal of the specimen tree(s).

(c) Minimum Standards for Replacement Trees:

i. All replacement trees shall be a minimum quality of Florida No. 1 grade or better, as identified in *Grades and Standards,* Florida Department of Agriculture;

ii. Only trees listed in Tables ~~10-5.0, 5.1, 5.2, 5.3~~ 10-4.7, 4.8, 4.9 (Replacement Tree Species) shall be used as replacement trees. The applicant shall have the option of choosing the category of trees for replacement provided at least fifty (50) percent of the replacement trees are from Category 1 or Category 2 with respective size as follows:

A. Category 1: Minimum of twelve (12) feet in height and two (2) inches DBH at time of planting;

B. Category 2: Minimum of eight (8) feet in height at time of planting;

C. Category 3: Minimum of six (6) feet in height at time of planting;

D. Category 4: For replacement palm trees, a minimum of six (6) feet clear trunk or greywood at time of planting.

iii. If the minimum tree size is commercially unavailable, smaller trees may be substituted with the approval of the Department. Additional credit may be given for the installation of larger trees, at the Department's discretion.

(d) General Requirements for Replaced Trees: Any person conducting tree replacement activities shall:

i. Refrain from unnecessarily damaging any other tree or trees remaining on site while planting or preparing the site for any replacement tree(s);

ii. Plant the replacement tree so that it will not interfere with existing or proposed utility lines or cables, either above or below ground. A tree which may reach a height of thirty (30) feet shall not be planted within twenty (20) feet of an overhead powerline;

iii. Plant replacement tree species and use installation and maintenance methods that follow xeriscape principles, where practicable;

iv. Plant a replacement tree in an area in conformity with the Right Tree, Right Place Guidelines. Large canopy trees from the Category 1 list (Live Oak, Mahogany, Black Olive, etc.) shall not be planted in parking lot islands less than ten (10) feet in width, or adjacent to buildings or in any small confined space with less than ten (10) feet of available rooting space or less than twenty (20) feet of available canopy space. Exceptions to this rule shall require the Department’s approval;

v. Where practicable, plant a replacement tree within the municipality from which the original tree was removed; and

vi. Complete tree replacement within the time frames specified in the Tree Removal License.

(e) Maintenance/Monitoring Requirements for Replaced Trees: Any person conducting tree replacement activities shall:

i. Maintain the health of a replacement tree for a period of one (1) year from the date of planting;

ii. Replace within sixty (60) days any replaced tree that dies or is determined to be effectively destroyed within one (1) year of being planted, as determined by the Department. The one (1) year maintenance period shall begin anew whenever a tree is replaced. For projects that include the planting of one hundred (100) or more

replacement trees, a ten (10) percent mortality allowance will apply. If ninety (90) percent or more of the replacement trees are determined to be viable after a period of one (1) year, the project shall be considered successful and replacement trees will not be required for the remaining ten (10) percent of the trees that die or are in a state of decline; and

iii. Remove all strapping and bracing material from all replaced trees at the end of the one (1) year monitoring period.

(f) Remuneration in Lieu of Tree Replacement: If it is determined by the Department that the replacement is not feasible due to lack of available planting space, the following applies:

i. The person conducting the tree replacement activity shall pay into the City Tree Preservation Trust Fund a replacement contribution in lieu of actual tree replacement;

ii. The replacement contribution will be determined using a schedule for current value of replacement trees plus installation and maintenance as established by the Department;

iii. Specimen tree calculations shall be in accordance with § 10-4.4(F)(9)(b).

(G) **Construction and Land Clearing**

(1) General Requirements: Any person engaged in construction or land clearing shall:

(a) Clear vegetation within the drip line of trees designated for preservation only by hand or with the use of light rubber-wheeled equipment, which will not damage tree roots; said equipment shall be a maximum of forty-eight (48) inches wide, tire to tire, with a maximum weight of 3,500 pounds.

(b) Utilize retaining walls and drywells to protect any tree to be preserved from severe grade changes.

(C) Promptly repair any tree designated for preservation pursuant to a tree removal license which is damaged during construction by:

i. Corrective pruning for damage to tree canopy;

ii. Measures such as corrective root pruning, fertilization, and soil enhancements for damage to tree roots.

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(H) **Tree Abuse**

(1) Tree abuse is prohibited in the City. Tree abuse includes:

(a) Hatracking a tree; or

(b) Destroying the natural habit of tree growth; or

(c) Pruning which leaves stubs or results in a flush cut; or splitting of limb ends; or

(d) Removing tree bark to the extent that if a line is drawn at any height around the circumference of the tree, over one-third of the length of the line falls on portions of the tree where bark no longer remains; or

(e) Using climbing spikes, nails, or hooks, except for purposes of total tree removal or as specifically permitted by standards set by the American National Standards Institute, as amended; or

(f) Pruning that does not conform to standards or recommendations set by the American National Standards Institute, as amended; or

(g) Pruning of live palm fronds which initiate above the horizontal plane; or

(h) Overlifting a tree; or

(i) Shaping a tree.

(2) Exemptions from Tree Abuse: The following are exempt from the prohibition of tree abuse :

(a) Topiary pruning when:

i. The trees are located on owner occupied property developed for detached single family or duplex usage, or;

ii. The trees were not installed to meet minimum landscape requirements and are identified on an approved landscape plan as appropriate for topiary pruning.

(b) Tree abuse necessary to alleviate a dangerous condition posing an imminent threat to the public or property provided that the threat cannot be remedied by pruning that is not defined as tree abuse;

(c) Shaping of trees to protect property, such as buildings and infrastructure, in which there is adequate evidence accepted by the Department that shaping has occurred historically; or

(d) Remedial pruning.

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(3) Remedial Measures for Tree Abuse: Any person that abuses a tree in violation of this article shall:

(a) Undertake pruning and other remedial action as determined by the Department, not limited to the removal of severely abused trees to protect public safety and property, and corrective pruning to improve the health and form of affected trees. A Tree Removal License shall be applied for by the violator(s) and/or property owner(s) and is required for the removal of severely abused trees.

(b) Plant replacement trees pursuant to § 10-4.4(F)(9) of the Code, if the natural habit of growth of the abused tree is destroyed.

(I) **Tree Preservation Trust Fund**

(1) Establishment of the Trust Fund: The City of Tamarac Tree Preservation Trust Fund has been established for the purpose of accepting and disbursing the contributions made to the City as part of tree removal licenses and any other monies deposited with the City for tree preservation purposes. This fund shall be used to enhance tree canopy coverage in the City.

(2) Term of Existence: The trust fund shall remain in existence unless specifically terminated by the City Commission.

(3) Trust Fund Assets: All monies received hereunder from public or private concerns shall be placed in trust for and inure to the use and benefit of the City.

(4) Trust Fund Expenditures: Monies in the trust fund shall be expended, utilized, and disbursed for the planting of trees and any other ancillary costs associated with the planting of trees ~~on public lands~~ in the City~~.~~ including but not limited to planting trees and removing hazardous trees on real property within the City, supporting tree maintenance and preservation activities, funding educational outreach programs, providing tree giveaways to residents to promote long-term canopy preservation, and to cover the expense of relocation of trees to public lands. Expenditures from the Trust Fund shall be recommended by the Director and shall be made in accordance with adopted City policies and procedures. Ancillary costs related to the planting of trees on public lands shall not exceed twenty percent (20%) of the cost of the particular tree planting project, and shall include landscape design services, irrigation, additional landscaping, and any other items or materials necessary for the proper installation and maintenance of tree planting projects. ~~These monies may also be used to cover the expense of relocation of trees to public lands in the City and the expense of periodically distributing saplings to the public to increase tree canopy coverage in the City.~~

(5) Trust Fund Administration:

(a) Trust funds shall be expended, utilized, and disbursed only for the purposes designated by the Department in accordance with this section.

(b) All monies deposited hereunder shall be deposited in the trust fund, in a separate account established and maintained apart from the general revenue funds and accounts of the City.

(c) Monies obtained hereunder may be accepted on behalf of the City by the Director or designee and, upon receipt, shall be delivered to the City's Financial Services Department, which shall cause the same to be credited to the trust fund.

(J) **Landscape Plan Required**

(1) A landscape plan shall be included as part of any application as required for Site Plan Approval (§10-5.4(H)), Improvement Permit (§10-5.4(I)) or Building Permit (§10-5.4(N)), subject to the standards in this section. Landscape plans shall be prepared in accordance with the requirements of the Administrative Manual and shall be approved by the Director, Planning Board, and City Commission, as appropriate.

(2) Landscape plans shall be prepared and sealed by a landscape architect or other authorized person pursuant to F.S. Ch. 481, as amended from time to time.

(3) All required landscaping shall be maintained in accordance with the approved landscape plan, including approved specifications for plant size, number, location, and type of landscaping material.

(4) All plant material shown on an approved landscape plan shall be replaced if it dies, is seriously damaged, or removed.

(5) No final Certificate of Occupancy shall be issued by the City unless the landscaping requirements are met as evidenced by an approved final landscaping inspection by the Department.

(K) **General Requirements for All Landscaping**

(1) **Plant Material.** All required plant material shall be Florida Grade #1 or better, in accordance with *Grades and Standards for Nursery Plants* (Florida Division of Plant Industry).

(a) All plant material shall, to the greatest extent possible:

(i) Be based on the plant's adaptability to the landscape area, desired effect, color, texture, and ultimate plant size;

(ii) Be frost- and drought-tolerant, and grouped in accordance with their respective water and maintenance needs;

(iii) Be appropriate for the ecological and urban setting in which the materials are to be planted, including the shielding of buildings from the sun, from radiating surfaces such as parking areas, and as a screen for noise abatement;

(iv) Be commercially available; and

(v) Comply with CPTED principles.

(b) All minimum dimensions of landscaped material refer to dimensions at the time of planting.

(c) Growth of plant material at maturity shall be considered prior to planting to ensure no future conflicts arise related to views, signs, overhead and underground utilities, security lighting, fire access, drainage easements, pedestrian walkways, and traffic circulation.

(d) All landscaped areas shall be maintained free of nuisance species, including natural areas within developed property. The following species are considered nuisance species:

I. Schinus terebinthifolius (Brazilian pepper tree/Florida holly).

II. Metopium toxiferum (poison wood).

III. Melaleuca quinquenervia (cajeput tree/melaleuca).

IV. Casuarina spp. (Australian pine, all species).

V. Bischofia javanica (bischofia, bishopwood).

VI. Acacia auriculaeformis (earleaf acacia).

VII. Araucaria excelsia (Norfolk Island pine).

VIII. Brassia actinophylla (schefflera).

IX. Leucaena leucocephala (lead tree).

X. Cupaniopsis anacardiopsis (carrotwood)

XI. All trees specifically identified as Category I on the Florida Invasive Species Council's List of Invasive Plant Species, as may be amended.

(2) **Native Vegetation and Diversity**

(a) All landscaped areas shall include placement of native vegetation in substantial conformity with the principles outlined in *The Florida-Friendly*

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Landscaping Guide to Plant Selection & Landscape Design (University of Florida) and the Administrative Manual.

(b) The City encourages use of the Xeriscape Landscaping Principles as included in the South Florida Water Management District's publication *Waterwise, South Florida Landscapes, Landscaping to Promote Water Conservation Using the Principles of Xeriscape,* which is hereby incorporated by reference into this section, amended from time to time.

(c) Existing healthy and well-formed trees and understory vegetation may be preserved and may be used toward meeting the requirements of this section to the extent that they meet the minimum standards.

(d) Plant species identified as invasive species in *List of Invasive Plant Species* (Florida Exotic Pest Plant Council) are prohibited.

(e) The eradication of nuisance vegetation is required on all sites including but not limited to abutting rights-of-way and privately owned natural areas, prior to the issuance of a final Certificate of Occupancy or final approval of any structural modification including vehicular use areas.

(3) **Installation.** All required landscaping and landscape areas shall be installed in accordance with landscaping best management practices, Florida-friendly landscaping principles, American National Standards Institute (ANSI) A-300 standards, and the standards in this subsection.

(a) **Topsoil**

(i) Topsoil shall be sandy loam and contain a 25 percent minimum amount of decomposed organic matter. There must be a slight acid reaction to the soil with no excess of calcium carbonate.

(ii) Topsoil shall have a minimum depth of six inches for groundcover, flowers, shrubs, and hedges and a minimum depth of three inches for turf grasses.

(iii) Trees shall receive 12 inches of topsoil around and beneath the root ball. No topsoil shall be placed on top of the root ball. The root flare of all newly installed trees shall be visible upon installation.

(iv) Topsoil shall be clean and reasonably free of clay, stone, roots, construction debris, weeds, rocks, noxious pests, diseases, and other foreign materials.

(v) Topsoil for all planting areas shall be amended with horticulturally acceptable organic material.

(vi) All soils used shall be suitable for the intended plant material.

(b) **Mulch**

(i) A three-inch minimum thickness of approved organic mulch material shall be applied after initial watering in all areas not covered by buildings, structures, pavement, turf grass, preserved areas, and annual flower beds.

(ii) Each tree and shrub shall have a ring of organic mulch no less than three feet in diameter around its trunk.

(c) **Turf Grass**

(i) Turf grass shall be drought-tolerant and a species of grass that will survive as a permanent lawn in Broward County assuming adequate watering and fertilizing as described in this Section and the Administrative Manual.

(ii) Turf grass shall be viable, free of weeds, and capable of growth and development.

(iii) Planted as sod, strips shall be aligned with tightly fitted joints and no overlap of butts or sides. Sod subgrade shall be reasonably free of all stones, sticks, roots, and other matter prior to placement.

(iv) Turf grass areas may be seeded to meet the requirements of this Code, provided that the area presents a finished appearance and complete coverage before a final Certificate of Occupancy or other approval is issued.

(v) Use of turf grass shall be limited to being a design unifier, shall not be treated as fill-in material, but as a planned element of the landscape. Turf grass shall be consolidated and placed so it can be irrigated separately from other types of plant material. Turf grass shall be restricted to areas that receive pedestrian traffic, provide for practical or recreational use, or provide soil erosion control (e.g., on slopes or in swales).

(vi) St. Augustine turf shall be installed within all unpaved areas of all rights-of-way.

(vii) The Director may authorize large grassed areas not subject to soil erosion, such as playfields, to be grassed by other methods.

(d) **Groundcover**

(i) At the time of installations, groundcover shall be planted with a minimum of 75 percent coverage of the intended groundcover area, with 100 percent coverage occurring within three months of planting.

(ii) For all developed properties, all yards and other portions of land not utilized for structures, parking areas, walkways, driveways, decking,

pools, or other amenities shall be covered with turf grass or living groundcover.

(iii) Nonliving groundcover shall be limited to borders, sidewalks, step stones, and other similar materials, and shall not cover more than 15 percent of the landscaped area. Use of pervious paving materials is strongly encouraged.

(iv) An applicant may apply for an Administrative Adjustment, as described in §10-5.4(P), Administrative Adjustment, of up to 50 percent of the area to be covered with nonliving groundcover for industrial, special utility, and agricultural properties subject to the criteria for Administrative Adjustment approval.

(e) **Vines.** Vines shall be a minimum of 30 inches in supported height upon installation and may be used in conjunction with fences, visual screens, or walls.

(f) **Trees.** Fifty percent of the trees required in this section shall be water-conserving native plant material.

(i) **Palm Trees**

A. Palms shall constitute no more than 20 percent of the total trees required. Any palms provided in excess of this amount shall not count towards the tree requirement.

B. Palms shall have a minimum height of 12 feet and 2 inches DBH at the time of planting, measured from the base of the palm to the tip of the bud, and shall have substantial gray wood characteristics at the time of maturity shall have a minimum of two feet of gray wood at the time of planting.

C. No large palm trees shall be located closer than 25 feet to light poles or overhead utility lines. Refer to Florida Light & Power's "Right Tree, Right Place" guidelines.

D. Certain palms, as determined by the Director, may be substituted for shade trees by grouping three or more palms in close proximity together to create the equivalent crown spread. Certain palms, as determined by the Director, may be substituted on a one for one basis in lieu of shade trees. Refer to §10-4.4(J), Approved Palm and Tree Lists.

(ii) **Shade Trees**

A. Shade trees shall constitute 50 percent of the total trees required, unless specifically addressed in this section.

B. At the time of installation, shade trees shall have a minimum:

1. Trunk caliper of three inches;
2. Height of 15 feet;
3. Crown spread of six feet; and
4. Four and a half feet of clear trunk.

C. No shade tree shall be located closer than 25 feet to light poles or 30 feet to overhead utility lines. Refer to Florida Light & Power's "Right Tree, Right Place" guidelines.

(iii) **Small Trees**

A. Small trees shall have a minimum height of ten feet and the minimum crown characteristics of the species at that height upon installation.

B. Trees with a multiple trunk growth characteristic shall have no more than five main trunks.

C. All small trees shall have a minimum of 30 inches of clear trunk at the time of planting.

(g) **Shrubs.** Fifty percent of shrubs required shall be installed as native plant material. Shrubs shall have a minimum height of 24 inches with a spread of 18 inches upon installation. Shrubs used as a required continuous hedge shall touch one another upon installation.

(h) **Lakes, Canals, and Other Water Bodies**

(i) All lakes, canals, wet retention areas, and other water bodies shall include soil erosion control in the form of turf grass to the edge of the mean high water mark as described in §10-4.4(C)(3)(c), *Turf Grass.*

(ii) No turf grass that requires mowing shall be allowed on slopes greater than four to one.

(iii) All dry retention areas shall be landscaped with turf grass or groundcover in accordance with §10-4.4(C)(3)(c), Turf Grass, and §10-4.4(C)(3)(d), Groundcover.

(i) **Berms**

(i) Berms shall be planted with turf grass or groundcover in accordance with §10-4.4(C)(3)(c), Turf Grass, and §10-4.4(C)(3)(d), Groundcover.

(ii) The maximum slope for berms shall not exceed one foot in height for every three feet in width.

(j) **Fertilizer**

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(i) Fertilizers applied to plant material, including turf grass, within the City shall be formulated and applied in accordance with requirements and directions provided by Rule 5E-1.003(2), Florida Administrative Code, "Labeling Requirements for Urban Turf Fertilizers."

(ii) Nitrogen and phosphorus fertilizer shall not be applied to turf grasses or landscape plants except as provided in §10-4.4(C)(3)(j)(i) above unless a soil or tissue deficiency has been verified by an approved test.

(iii) Fertilizer containing nitrogen and/or phosphorus shall not be applied to turf grasses or landscape plants from June 1 to September 30 unless approved by the Director.

(k) **Installation Timing**

(i) **Prior to Certificate of Occupancy.** All required landscaping, including groundcover, shall be installed in accordance with the approved landscape plan or in accordance with any phasing plan and the required planting standards presenting in this Section prior to the issuance of a final Certificate of Occupancy unless otherwise approved by the Director.

(ii) **Extensions**

A. The Director may, for good cause shown, grant extensions to the above time limit, allowing a developer and/or owner to delay the installation of required landscaping.

B. Circumstances that may warrant an extension include, but are not limited to, completion of utility work occurring in the proposed landscape area that is incomplete or delayed.

C. Any extension of the time limit shall be conditioned on the required landscaping being installed as soon as practicable after the delay-warranting circumstances cease to exist. The provision of a performance guarantee shall be required to ensure installation of the required landscaping is performed within one year as described in §10-5.4(I)(3)(c)(i), *Performance Guarantees*.

(4) **Protection of Public Infrastructure.** All shade and medium trees installed within six feet of public infrastructure shall utilize a root barrier system, as approved by the Director.

(5) **Obstructions to Emergency Response Vehicles**

(a) No landscaping or related obstructions shall be placed within seven and a half feet of any fire hydrant.

(b) Landscaping or related obstructions shall not be placed around buildings and structures in a manner that impairs or impedes accessibility for firefighting and rescue operations.

(6) **Stabilization**

(a) Stabilization shall be in accordance with the International Society of Arboriculture standards as amended from time to time.

(b) All palm and shade trees planted as trees shall be securely guyed, braced, and/or staked at the time of planting until establishment. The use of nails, wire, rope, or any other method which could damage the tree or palm is prohibited.

(c) All stabilization systems shall be clearly marked with flags, paint, or other visible medium to prevent hazards and protect the public. Trees shall be re-staked in the event of failure of the staking and guying.

(d) All guys and staking material must be removed when the tree is stable and established, but in no case more than one year after initial planting. Failure to do so will be considered tree abuse and will lead to enforcement action as described in 10-4.4(I)~~(3)~~, Tree Abuse ~~below~~.

(e) All plants shall be installed so that the top of the root ball remains even with or slightly above the soil grade.

(f) All required landscape planting areas and berms shall be stabilized and maintained with turf grass, groundcover, mulch, or other approved materials to prevent soil erosion and allow rainwater infiltration.

(7) **Irrigation System Required**

(a) Irrigation systems shall be provided in all landscaped areas and designed to meet the needs of the plant material within the landscape areas, in accordance with *The Florida-Friendly Landscaping Guide to Plant Selection & Landscape Design* (University of Florida) and in compliance with the watering restrictions of the South Florida Water Management District.

(b) When feasible, irrigation systems shall be designed separately to serve turf grass and non-turf grass areas.

(c) Irrigation and landscape design, installation, and maintenance shall consider soil, slope, and other site characteristics in order to minimize water waste, including overspray, the watering of impervious surfaces and other non-vegetated areas, and off-site runoff. Furthermore, irrigation systems shall not create a hazard to vehicular use areas.

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(d) In the event of damage or other mechanical failure, irrigation systems shall be designed to minimize free flow conditions.

(e) Rain-sensing shutoff switch equipment shall be required on automatic irrigation systems installed after May 1, 1991, to avoid irrigation during periods of sufficient soil moisture, in accordance with Florida Law (F.S. 373.62). Such equipment shall consist of an automatic mechanical or electronic sensing device or switch that will override the irrigation cycle of the sprinkler system when adequate rainfall has occurred. Such switches and devices shall be located and installed so that building eaves, balconies, and similar overhands do not interfere with effective operation of the device or switch.

(f) Low-volume, drip, trickle, and emitter irrigation is encouraged, primarily for trees and shrubs, to promote Xeriscape principles.

(g) Irrigation systems shall only be operated before 10:00 a.m., and after 4:00 p.m., or as amended by the State of Florida, Broward County, the City, and/or South Florida Water Management District regulations. It is strongly recommended that irrigation systems operate primarily in the early morning hours after 4:00 a.m. to reduce the likelihood of any horticultural plant diseases developing. Operation of the irrigation system for maintenance, repair, turf grass installation for new construction, and landscape maintenance activities such as required application of water to apply fertilizer, herbicides, and pesticides shall not be limited to these hours.

(h) All new development shall use non-potable water for irrigation source unless a waiver relief letter is provided and approved by the City Engineer.

(L) **Minimum Landscaping Requirements**

(1) **Minimum Development Site Planting Requirements**

(a) New developments shall provide plantings within pervious areas of the development site in accordance with the standards in Table 10-4.6 below, for the base zoning district in which the development is located and the size of the lot containing the development.

Table 10-4.6: Minimum Planting Requirements

District	Lot Type and Size	Planting Requirement
RE, R-1, R-2	All lots up to 6,000 SF	5 trees and 20 shrubs [1]
	Lots greater than 6,000 SF	5 trees and 20 shrubs per 3,000 SF or fraction thereof above 6,000 SF [2] [3]
R-3, MUN, MUC, MUG, NC, BP, I-1, I-2	All lots	1 tree and 5 shrubs for every 2,000 SF of pervious area [4]

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PF, RC, RR	All lots	1 tree and 5 shrubs for every 1,000 SF of pervious area [4]

NOTES:
SF = square feet
[1] Two of the five trees shall be shade trees, one being in the front half of the lot and one being in the rear half. A minimum of two trees shall be located in front of the structure.
[2] A minimum of two trees shall be located in front of the structure.
[3] Corner lots greater than 6,000 sf shall require one additional tree and five additional shrubs.
[4] A minimum of 50 percent of the required trees shall be shade trees.

(b) The pervious area not covered by buildings, vehicular use areas, waterways, and walkways shall be landscaped including but not limited to turf grass, groundcover, trees, shrubs, and other plant material.

(c) The area between the street pavement and the property line or swale shall be turf grass or groundcover.

(d) Existing trees and vegetation that are preserved, replaced, or relocated may be credited towards achieving the minimum landscape requirements of this section, provided they meet all applicable requirements of § 10-4.4(K), General Requirements for All Landscaping.

(2) **Perimeter and Waterway Frontage Landscaping**

(a) Properties in any district, except RE, R-1, and R-2, shall provide three trees (one of which is a shade tree) for every 40 linear feet or major fraction thereof, and a continuous hedge along the property perimeter. This requirement is in addition to the other requirements in this section, except along street frontages that shall only require two trees (one of which is a shade tree) and a continuous hedge in addition to the street tree requirements as described in §10-4.4(N).

(b) MUN, MUC, MUG, NC, BP, I-1, and I-2 District properties with main public right-of-way frontage involving only one perimeter, shall reduce this requirement to one shade tree in addition to a continuous hedge and the street tree requirements as described in §10-4.4(F). Corner properties or double frontage property without store fronts facing it shall not be eligible for reduction.

(c) Where abutting properties have the same perimeter landscaping requirement, the perimeter landscaping requirement can be met jointly by the abutting property owners and does not have to be duplicated by each property owner as approved by the Director.

(d) A landscaped area shall be a minimum of ten feet from the property line to any vehicular use area or permanent structure other than permitted

fences, walls, or landscaping unless specifically required elsewhere in this Section.

(e) Waterway frontage shall be landscaped the same as the perimeter requirements stated above. The continuous hedge requirement may be reduced upon determination by the Director for waterway frontages only.

(3) **Buffers**

(a) **Parking Area Buffers.** In all districts except RE, R-1, and R-2, parking areas that abut the public right-of-way shall be required to install a hedge planted a minimum of 24 inches high at time of installation and maintained no higher than 30 inches. Alternatively, a berm 30 inches high shall be installed to screen such parking area from the public right-of-way. Appropriate sight triangles shall be maintained.

(b) **Buffer Between Multi-Family and Single/Two-Family Residential.** Where multi-family residential property directly abuts single- and two-family residentially zoned property, a buffer area shall be provided on the multi-family property. This buffer shall be a minimum continuous depth of ten feet of landscaped area and shall follow the perimeter and waterway frontage requirements required in §10-4.4(L)(2), *Perimeter and Waterway Frontage Landscaping*.

(c) **Properties Abutting or Across from Right-of-way or Water Body.** Properties that directly abut or are directly across from any public right-of-way, canal, other water body, or any other separator from any Residential or RC District, or property zoned open space (including golf courses), shall provide a buffer area on the nonresidential plot per the standards below.

(i) This area shall be a minimum continuous depth of 25 feet of landscaped area.

(ii) A solid masonry wall, stuccoed and painted, or earthen berm, or combination thereof, of at least six feet in height shall be required within this buffer unless the buffer is within a front yard, along a major arterial, or along a Broward County collector street.

A. On the side of the wall or earthen berm that abuts the Residential or RC Districts, or is zoned open spaces (including golf courses), two trees, one tree being a shade tree, shall be installed for every 30 linear feet or major fraction thereof. Additionally, a continuous hedge shall be provided.

B. On the side of the wall or earthen berm that is interior to the nonresidential plot, one shade tree shall be spaced every 40

linear feet. Additionally, a continuous hedge shall be provided.

C. If a berm is utilized, one continuous hedge shall be installed at the top of the berm only.

D. If a wall is utilized, it shall contain a door to permit access necessary for the owners to maintain the required landscaping material. The nonresidential user is responsible for maintenance of both sides of any wall. An optional design or material of such wall may be considered by the Director as long as such wall is designed to be an architectural enhancement to the overall property other than strictly for separation purposes.

(iii) Additional buffer width will be required on property where the building height is five stories or higher or when the property abuts or is across a water body from a residential district. In this case, the minimum width of the buffer shall be 35 feet where there is a water body separator and 50 feet where there is no water body separator.

(d) **SU District Buffers**

(i) A landscape buffer consisting of hedges, trees, berms, or walls shall be installed to provide a visual screen for all lots in the SU district. Any combination of hedges, berms, and walls shall be at least six feet in height at the time of installation in order to screen all the special utility lot from view from any contiguous Residential, Mixed-Use, and Nonresidential Districts, and recreational uses.

(ii) When fences and wall are used as the visual screen, hedges of 36 inches in height at the time of planting shall be planted outside of such fence or all.

(4) **Pedestrian Zones along Building Façades.** Trees and other plantings visually and aesthetically buffer and enhance building façades to reduce air and noise pollution and to conserve energy within the structure.

(a) There shall be a landscaped pedestrian zone along the entire length of all building walls that are the primary frontage as well as building walls that face a vehicular use area, excluding sections of such façade that are utilized for direct access into the building or the pickup location for the drive-through.

(b) These provisions shall be applicable to all zoning districts including all covered parking structures or multi-level parking garages except single-family and duplex single-family properties. However, these provisions shall not be applicable when a building wall faces a dedicated alleyway.

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(c) The minimum width of such landscaped zone for all structures shall be measured from the base of the building to the top of a parapet wall, flat roof, or the midpoint of the eave and ridge for a slopped roof as follows:

(i) For buildings with heights up to and including 60 feet, the landscape zone width shall equal 50 percent of the building height or ten feet, whichever is greater.

(ii) For building with heights greater than 60 feet, the landscape zone width shall equal not less than 30 percent or more than 50 percent of the building height as determined by the Director.

(iii) The required width of the landscape pedestrian zone shall exclusive of any two foot car overhang.

(d) Paved areas in the landscape pedestrian zone may not constitute more than 50 percent of the width of landscape pedestrian zone or seven feet, whichever is less.

(e) One tree shall be installed in this zone per each 30 lineal feet, or fraction thereof, of façade width.

(f) Trees must be of a size as required by §10-4.4(K), *General Requirements for All Landscaping*.

(g) Trees may be grouped, but there must be a minimum of one tree per façade.

(h) The remainder of the landscape area of the zone shall be treated appropriately with plantings, seating, sidewalks, and other pedestrian accessways.

(i) Palms may be substituted for trees in landscape zones of limited width. Palms shall be required at the rate of three palms for each tree that would otherwise be required under this section and must be grouped together within the landscape pedestrian zone, unless the Palm species is designated as a one-for-one substitute.

(j) The Director has the ability to administratively reduce the width of the landscape pedestrian zone and increase sidewalk width. It must be demonstrated that the reduced green space is provided elsewhere onsite and functions to help soften the mass of the structure.



Figure 10-4.4-1: Pedestrian Zones

(5) **Vehicular Use Area Landscaping.** Except as otherwise provided by the provisions of this subsection, all vehicular use areas in all districts shall include landscaping around and within the vehicular use areas as a means of mitigating the microclimate and visual aspects as well as providing safe and secure means for pedestrians to navigate these areas.

(a) **Adjacent to Public Rights-of-Way or Private Roadways**

(i) On the site of a building or open lot providing an off-street parking area or other vehicular use area, landscaping shall be provided between the area and adjacent right-of-way or private roadway as follows:

(ii) At least a width of 15 feet of landscaping, measured from the property line to the closest parking stall and a width of 25 feet measured from the property line to the parallel interior drive aisle, excluding egress and ingress drives, shall be provided.

(b) **Interior Landscaping**

(i) An area or a combination of areas, equal to 15 percent of the total vehicular use area, shall be devoted to interior landscaping.

(ii) Any perimeter landscaping provided in excess of that required by this Code may be counted as part of the interior landscaping

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requirement as long as such landscaping is contiguous to the vehicular use area and fulfills the objective of this subsection.

A. Each parking row shall begin and end with a landscaped island unless the parking row terminates into a required perimeter or buffer area.

B. For parking rows which provide more than ten parking spaces, one additional landscaped island shall be provided for every ten parking spaces. The Director may approve a greater number of parking spaces between rows based on unique site constraints.

C. A pedestrian walkway of any kind shall be added to the overall required width of a landscape parking island to maintain the minimum continuous nine-foot foot permeable area to accommodate a shade tree.

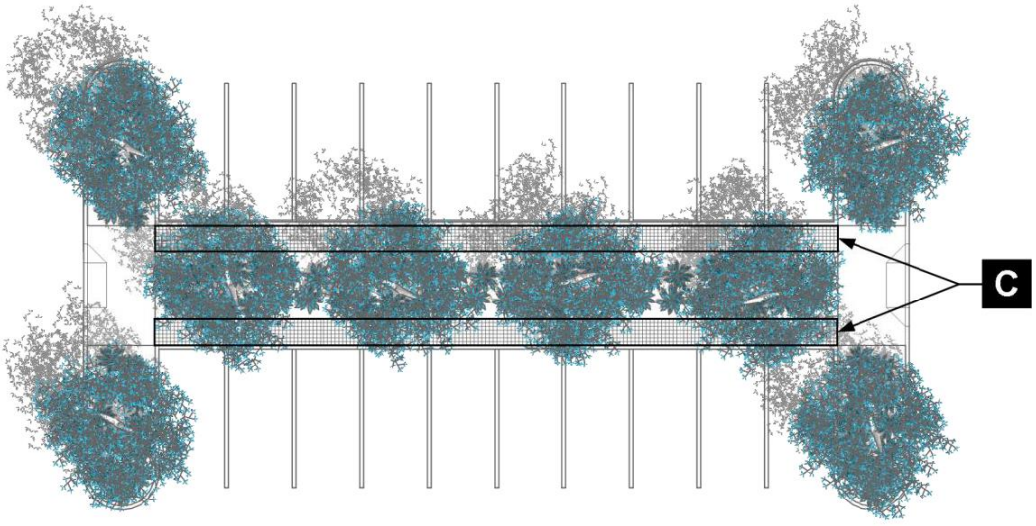

Figure 10-4.4-2: Pedestrian Walkway in Landscape Parking Island

D. The location of islands can deviate from the above if the purpose of this is to preserve existing on site trees as approved by the Director.

E. Landscaped islands shall be at least ten feet in overall width, nine feet inside curb permeable area, by 18 feet in overall length, 16 feet inside curb permeable area and shall have at least one shade tree.

F. The island shall be covered with turf, mulch, or other living ground cover.

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G. The soil utilized within parking lot islands must be a minimum of 36 inches in depth of natural soil not consisting of road rock, imported fill, or other miscellaneous debris. Any grassed parking areas shall comply with the parking island requirements above.

H. Other suitable solutions or innovative designs to reduce heat and glare from vehicles may be substituted when approved by the Director, providing that no parking stall is further away than 50 feet from a tree, measured in a straight line from the tree trunk. Plans may be submitted showing aggregate clusters of tree planting equivalent to or greater than the total area of all required parking islands. These plans must be reviewed and found acceptable by the Director.

I. A landscaped area having a width of at least nine feet inside curb permeable area shall be provided between abutting parallel rows of parking spaces and shall contain one shade tree for every 30 lineal feet of landscaped area. The soil utilized within this area shall be a minimum of 36 inches in depth of natural soil not consisting of road rock, imported fill, or other miscellaneous debris. A pedestrian walkway of any kind shall be added to the overall required width of a landscape area and shall be located on one side in order to maintain the minimum continuous nine-foot permeable area and accommodate the row of shade trees.

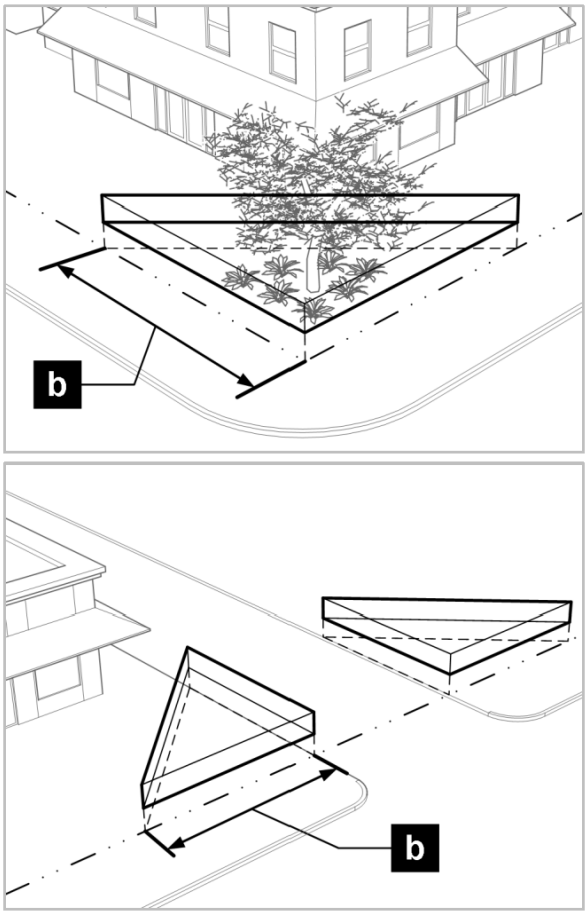

Figure 10-4.4-3: Sign Visibility Triangle

(6) **Sight Distance.** When an accessway intersects a public right-of-way, or when the subject property abuts the intersection of two or more public rights-of-way, a sight visibility triangle shall be provided. The sight visibility triangle shall provide unobstructed cross-visibility for vehicular, pedestrian and bicycle traffic at a level between three feet and six feet measured from grade level. The sight visibility triangles are formed as follows:

(a) The areas of property on both sides of an accessway formed by the intersection on each side of the accessway and the public right-of-way line, with two sides of each triangle being 25 feet in length from the point of intersection and the third side being a line connecting the ends of the other two sides.

(b) The area of property located at a corner formed by the intersection of two or more public rights-of-way, with two sides of the triangular area being 30 feet in length along the abutting public right-of-way lines, measured from

their point of intersection, and the third side being a line connecting the ends of the other two sides.

(c) Obstructions to be restricted in the sight visibility triangles are found in the City's Engineering Standards.

(7) **Landscape Requirements for Existing Uses**

(a) **Development Thresholds Requiring Compliance with Landscaping Requirements.** Existing properties, including parking lots, that are not in compliance with these regulations shall, upon the occurrence of any one of the following events, be subject to the provisions of this §10-4.4, *Landscaping and Tree Preservation*, if:

(i) The total square footage of the vehicular use area is increased by more than 20 percent; or

(ii) There is a structural addition that increases the combined total gross floor area of all existing buildings on the property more than 1000 square feet or by 50 percent, whichever is less; or

(iii) Building elevation changes, excluding minor cosmetic items such as painting, lighting fixtures, awnings, and signs, involving 50 percent or more of the exterior walls of a roofed structure on the property within a two-year period. A modification to only part of elevation shall constitute a change in the entire elevation of that exterior wall; or

(iv) Any tenant change for a stand-alone non-residential structure that also involves any change to any building elevation, excluding minor cosmetic items such as painting, lighting fixtures, awnings, and sign painting; or

(v) Any tenant change for a non-residential structure that is the anchor tenant of a property that also involves any change to any building elevation, excluding minor cosmetic items such as painting, lighting fixtures, awnings, and signs.

In the event an existing property cannot abide by the current provisions of this Section, if the above actions occur, the Director may require a property owner to bring the site to current standards to the greatest extent possible as determined through the Development Review Committee process.

(b) **Existing Parking Lot Compliance**

(i) Existing parking lots that do not meet the requirements of this Code with regards to the size of landscaped parking

island dimensions must increase the size of such islands to meet Code requirements to such a level that will not substantially reduce actual parking spaces below required parking as required by 10-4.3(D), Off-Street Parking Requirements*, above*. The Director shall make this determination after the Director and property owner have done a complete review of required parking and existing and proposed uses in the property. This process will be initiated by criteria detailed in subsection (7) above regarding nonconforming properties criteria. The following options may be employed, as an alternative to accomplish this objective:

A. Smaller size trees may be substituted in parking islands as determined by the Director.

B. Parking islands may be eliminated and grouped to provide larger parking islands in other areas of the property as described in the above Section.

C. A combination of the above options may be employed to maximize the amount of larger islands and maintaining required parking spaces for the property.

(M) **Screening**



Figure 10-4.4.4-4: Dumpster Enclosure Example

(1) **Accessory Structures.** Generators, air conditioning units, bottled gas tanks, irrigation pumps, swimming pool pumps and heaters, garbage containers at ground level, utility boxes, and similar accessory structures shall be screened with shrubs or an opaque fence on all applicable sides. Shrubs planted for this purpose shall be in addition to the requirements in Table 10-4.6 above. A hedge, berm, wood fence, or wall, maintained at a minimum of six inches above the items to be screened, may be used to satisfy the screening requirements as approved by the Director.

CODING: Words in ~~strike through~~ type are deletions from existing law; Words in <u>underlined</u> type are additions.

(2) **Dumpster Enclosures.** A minimum 24-inch high continuous hedge shall be provided around any dumpster enclosure except for the access gate and pedestrian opening. This includes any dumpster used for waste, recycling, or other purposes.

(3) **Outdoor Storage Areas**

(a) Outdoor storage areas that are adjacent to a residential zoning district, a lot containing a residential use in a mixed-use zoning district, public open space, public trail, or public street, shall be screened from view by a vegetative screen or by a solid wall or fence.

(b) The walls or vegetative screen shall be a minimum of six feet in height, but in any event the walls or vegetative screen shall be higher than the screened outdoor storage and 100 percent opaque.

(c) The fence or wall design shall incorporate at least one of the primary materials and colors of the nearest wall of the primary building (but excluding unfinished CMU block).

(N) **Street Trees.** The following standards shall be required in addition to other tree requirements in §10-4.4, *Landscaping and Tree Preservation.*

(1) **General**

(a) Non-residential and multifamily property owners may apply for a permit to plant a tree in the swale area of a public or private street abutting the property owned by the applicant. The location and species of the tree or trees shall be approved by the Director.

(b) The property owner shall maintain the tree or trees. The City reserves the right to disallow trees in the swale that conflict with a public drainage purpose.

(c) Residents may apply for Minor Site Plan Approval as described in §10-5.4(H)(3)(f) for tree planting approval within the rights-of-way of local streets. Costs of trees and installation may be assessed and be paid for by the respective groups or property owners.

(2) **New Development**

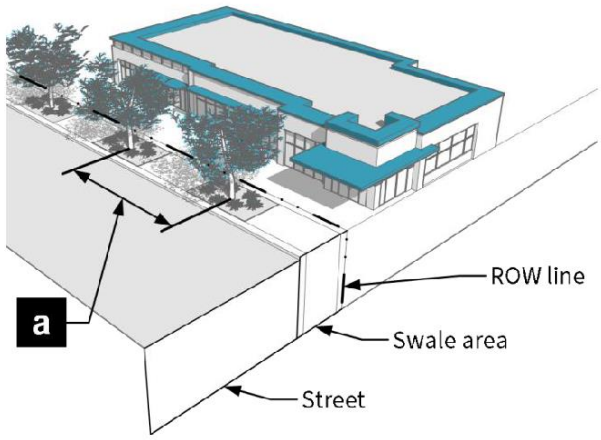

Figure 10-4.4-5: Street Trees

(a) One street tree shall be required for every 40 linear feet of separate street frontage and shall be planted no further than 60 feet and no closer than 15 feet apart.

(b) All street trees are to be placed in the swale area of the public or private street or a location in accordance with the requirements of this Section in order to accommodate location of utilities and/or street widening.

(c) Street trees shall be approved shade trees species, unless an alternative tree species is approved by the Director.

(3) Nonconforming Properties. Nonconforming landscaping on the site of a remodeled structure, expanded structure, or expanded use area shall comply with the requirements of this Section to the maximum extent practicable.

(O) **Historic Trees**

(1) The Director may recommend from time to time the designation of certain trees located within the City as specimen or historic trees based on the criteria below. The City Manager shall review such recommendation and add thereto their own comments and recommendations, and the matter shall be presented to the City Commission for its determination.

(a) The tree is located on historically significant property and is related to an historic event; or

(b) The tree is uniquely related to the heritage of the City and/or Broward County; or

(c) The tree is at least seventy-five (75) years old.

(2) The City Commission shall consider the report of the Director and the recommendation of the City Manager and shall either accept, modify, or deny the recommendation.

(3) The City Commission may designate by resolution those trees it deems appropriate as specimen or historic trees.

(P) **Landscape Maintenance.**

(1) All landscaped areas shall be maintained in a live, healthy, and growing condition, properly watered and trimmed according to the standards below.

(a) All owners of land or their agents shall be responsible for the maintenance of all landscaping.

(b) All landscaping includes mowing and maintaining abutting rights-of-way, swales, lakes, and canal banks.

(c) Landscaping shall be maintained to minimize property damage and public safety hazards.~~, including removal of living, dead, or decaying plant material,; removal of low hanging branches, and those obstructing street lighting; and maintenance of sight distance standards.~~ All property owners shall be responsible for maintaining any unpaved public right-of-way abutting their property, including keeping grass, weeds, and other vegetation trimmed to a height not exceeding six (6) inches above ground level. Maintenance shall also include the removal of living, dead, or decaying plant material; trimming of low-hanging branches and those obstructing street lighting and affecting required sight distance standards; and pruning of root structures to prevent damage to public improvements and/or infrastructure.

(d) Dead or declining plant material considered to be part of a natural habitat feature located on public property are exempt from these landscape maintenance provisions except where maintenance is necessary to avoid damage to public property or to mitigate safety hazards.

(e) There shall be no use of mechanical equipment for the purpose of maintaining a preserved ecological community, as identified in a natural resource protection area plan or a development of regional impact, unless specifically authorized in writing by the Director.

(f) It is unlawful for a property owner to allow any hazardous tree, or any part thereof, to remain on the property. A hazardous tree shall be removed when, in the professional judgment of a certified arborist recognized by the International Society of Arboriculture or a landscape architect licensed by the Florida Board of Landscape Architecture, the tree is defective, diseased, dying, or dead; poses a high risk of structural failure that presents a danger to persons or property; or is causing damage to public

or private property or structures, where such damage cannot reasonably be addressed by any means other than removal. The Director shall have final authority to determine whether a tree qualifies as hazardous under this subsection and, in the case of an open code enforcement action, whether a tree removal permit shall be required.

(2) **Maintenance Standards.** Landscaping shall be maintained in accordance with the standards below.

(a) **Insects and Disease.** Landscaping shall be kept free of visible signs of insect infestation and disease.

(b) **Mulching**

(i) Three inches of clean, weed-free, approved organic mulch shall be maintained over all areas originally mulched at all times until landscaped area matures to one hundred percent coverage. Mulch must be kept a minimum of six inches from the trunk of any tree. The use of heat-treated mulch obtained from Melaleuca, eucalyptus, or other invasive plant species is encouraged in order to reduce their impact on the environment and to preserve the remaining plant communities. For this reason, the use of cypress mulch is strongly discouraged.

(ii) Mulch shall be maintained in accordance with the standards of §10-4.4(P)(2)(b), *Mulch.*

(c) **Mowing and Trimming**

(i) Landscaping shall be weeded, mowed, pruned, and/or trimmed in a manner and at a frequency so as not to detract from the appearance of the general area.

(ii) Turf grasses shall be mowed by removing no more than one-third of the leaf blade at each cutting.

(iii) St. Augustine and Bahia turf shall be mowed at a height no less than three inches.

(iv) All public rights-of-way, curbs, and sidewalks shall be edged to prevent encroachment from the adjacent turfed areas. Line trimmers shall not be used to trim turf abutting trees or other plant material.

(d) **Pruning**

(i) **General**

A. All property owners or their agents must prune trees in accordance with ANSI A-300, as amended from time to time. Any pruning performed without conformance to these standards shall be subject to enforcement by the City.

B. All tree pruners who provide services in the City shall hold a valid local business license in Broward County as well as a valid Broward County tree trimmer license.

C. If pruning is deemed tree abuse per §10-4.4(~~P~~H)~~(1),~~ *Tree Abuse*, and causes tree removal, a Tree Removal License shall be required from the City.

D. Any landscaping found growing into public rights-of-way shall be pruned at a minimum to the vertical clearances below:

1. Eight and a half feet above sidewalks;
2. 14 feet above local and collector streets; and
3. 18 feet above arterial streets.

E. Any landscaping found growing into a canal right-of-way shall be pruned to provide a minimum vertical clearance of eight feet above the mean water level or top of seawall.

F. Topiary pruning of shade and small trees by shearing or trimming into an unnatural shape, such as round like a lollipop, is not prohibited, but strongly discouraged. Trees pruned in this manner will not be counted towards fulfilling the minimum landscape requirements outlined in this Section.

(ii) **Exemptions**

A. The removal of diseased or dead portions, such as palm fronds, of one tree that does not result in said tree creating a threat to public safety or adjacent property is allowed.

B. The removal of an interfering, obstructing, or weak branch of a tree such that it does not result in said tree creating a threat to public safety or adjacent property is allowed.

C. Pruning to reduce or eliminate interference with or obstruction of street lights, stop signs, or traffic signals is

allowed provided tree abuse does not occur per § 10-4.4(H)~~(1)~~, *Tree Abuse.*

D. Failure to remove or properly prune a tree damaged by a natural disaster within 30 days shall be a violation of this Code.

(e) **Maintenance of Irrigation Systems**

(i) Irrigation systems shall be maintained and promptly repaired to eliminate water loss due to damaged, missing, or improperly operating sprinkler heads, emitters, pipes, and other parts necessary for a fully functioning irrigation system.

(ii) Irrigation systems shall be designed, installed, and maintained to minimize application of water to impervious areas and/or so as not to create a hazard to vehicular use areas.

(iii) Low-volume, drip, trickle, and emitter irrigation is encouraged to promote good Xeriscape principles where applicable.

(iv) A functioning rain sensor/shutoff device shall be required on all irrigation systems installed after May 1, 1991, as mandated by F.S. §373.62.

(v) In order to reduce the amount of water lost to evaporation, irrigation systems shall be operated between the hours of 4:00 p.m. and 10:00 a.m. only, or as amended by state, county, city and/or South Florida Water Management District regulations. It is furthermore strongly recommended that irrigation systems operate primarily in the early morning hours after 4:00 a.m. to reduce the likelihood of any horticultural plant diseases developing. Operation of the irrigation system for maintenance, repair, sod installation for new construction and landscape maintenance activities (such as required application of water to apply fertilizer, herbicides and pesticides) is not limited to these hours.

(vi) The duration that zones are operated should be adjusted to reflect the size of the zone as well as the needs of the plant material in the zone. Unnecessary and excessive watering can promote root rot and other plant diseases.

(vii) Under drought conditions, compliance with the watering restrictions of the South Florida Water Management District is required.

(f) **Golf Course Landscaping and Maintenance.** Any site upon which a golf course is developed shall be landscaped and maintained in a neat, ~~and~~ clean, live, healthy, and growing condition, adequately watered and trimmed, free of any structure, refuse, or debris. Golf course design should aim to preserve and support existing natural features, including multiple vegetation types not just turf grass. Utilizing more natural, less resource-intensive non-turf and transitional vegetation can encourage more biodiversity and decrease habitat fragmentation.

(g) **Replacement Requirements and Enforcement**

(i) Improper maintenance shall include, but not be limited to, tree abuse, failure to supply adequate water, failure to replace missing or deficient landscaping, failure to maintain landscaping so as to meet the intent of the landscape code, such as buffering.

(ii) Landowners or their agents shall be responsible for ensuring that plant material required by this ~~Section~~ section, or installed pursuant to a landscape code previously in effect, are replaced if such plant material dies, or are abused, following the issuance of a Certificate of Occupancy. The owner shall have 45 days to install the required landscaping.

(iii) In the case of improper maintenance of any landscaping, the owner or agent shall desist immediately, and shall replace or repair all damaged landscaping, at the discretion of the Department.

(iv) Preserved vegetation which dies following the issuance of a Certificate of Occupancy shall be replaced with the equivalent replacement of plant material.

(v) Prohibited plant species and nuisance trees shall not be replaced in-kind, but shall be replaced with ~~a similar~~ plant species approved by the Department.

(vi) Any planting of turf grasses, shrubs, or trees which become dead or badly damaged shall be replaced with similar sound, healthy plant materials. The diameter of the replacement tree shall be equal to or greater than the diameter of the abused tree. More than one tree may be utilized for replacement if the aggregate sum of the diameters of the replacement trees is equal to or greater than the diameter of the abused tree.

(vii) Each replacement tree shall be on the approved tree list. The equivalent replacement trees shall be Florida No. 1 quality or better. Each replacement tree shall have the

largest diameter commercially available in Dade, Broward, and Palm Beach counties for the tree species selected, provided that no replacement tree shall have a diameter of less than three inches. Diameter measurements shall be made at four and a half feet above the ground.

(viii) Replacement trees shall be installed onsite. In the event the site cannot accommodate all required replacement trees, the remaining replacement trees shall be installed on public lands if approved by the enforcement agency and the applicable jurisdiction that owns such lands.

(ix) Remedial actions and replacement required under this Section shall be completed within established time frames through the City's code enforcement procedures. The enforcement agency may require the violator to immediately undertake remedial actions in the event the abused tree is an immediate threat to the public or property.

(x) Any violations of this subsection shall be referred to the code ~~enforcement~~ compliance division for enforcement. Each individual tree which is missing, removed, or damaged shall be considered a separate violation. In addition, any other missing, removed, or damaged landscaping shall be considered as additional violations. Each day such failure or neglect continues shall be deemed a separate offense. Violator shall mean a person who violates this Article. The owner of property upon which the abused tree is located shall also be deemed a violator if the tree abuse is undertaken by the owner's employee, agent or person under the owner's control.

(xi) Missing, damaged, or removed irrigation (where required) shall also be considered a separate violation of this Code. Each day such failure or neglect continues shall be deemed a separate offense.

(h) **Root Systems**

(i) Complete removal of root systems and stumps is required to the greatest extent possible, as applicable.

(ii) Root pruning must be ~~done so as to~~ performed in a manner that does not irreparably damage the tree ~~if it creates~~ or create a safety hazard.

(i) **Emergencies and Utilities**

CODING: Words in ~~strike through~~ type are deletions from existing law; Words in underlined type are additions.

(i) In emergencies such as floods, hurricanes, or other disasters, or in cases where a fallen tree is interrupting service or is limiting access to utility facilities, the requirements for implementing ANSI A-300 shall not apply to utility companies.

(ii) Failure to remove or properly prune a tree damaged by a natural disaster within a reasonable period of time corresponding to the severity of the disaster as determined by the Director shall be a violation of this Code.

(iii) The Hazard Pruning Standards and the Crown Reduction Standards of the American National Standards Institute apply to utility companies' tree pruning activities.

(Q) **Tree Preservation**

(1) **Tree Preservation.** The following minimum standards shall apply to all trees designated for preservation from damage during development activities.

(a) Land designated for conservation by Broward County or the City shall be exempted from this section.

(b) No impervious surface including but not limited to paving or buildings, shall be located within the dripline of any tree proposed for preservation.

(c) Retaining walls and dry wells shall be utilized where needed to protect trees from severe grade changes.

(d) For shallow fills, all fill material shall be gently sloped down to the level of the tree roots leaving the tree in a depression larger than the spread of its crown.

(e) No parking, vehicle maintenance, storage of construction materials or debris, or cleaning of equipment shall occur within areas marked for preservation, including but not limited to the dripline of any individual tree.

(f) In areas of unique natural or unusual vegetation, both the understory and the trees shall be preserved. Any alteration or mitigation are subject to the natural resource protection provisions of § 10-4.~~8~~4 of the City Code.

(g) Trees to be preserved shall be designated as such in either a Tree Removal License approved by ~~Broward County~~ the City or a tree protection plan approved by the Department.

(h) Prior to any clearing of improved, vacant, or unimproved land, unless specifically exempted from this section, trees to be preserved shall have barriers constructed around them to prevent physical damage from heavy equipment and other activities incidental to development.

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SECTION 3. It is the intention of the City Commission of the City of Tamarac that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of the City of Tamarac, Florida, and that the Sections of this ordinance may be renumbered, re lettered and the word "Ordinance" may be changed to "Section", "Article" or such other word or phrase to accomplish such intention.

SECTION 4. That all Ordinances or parts of Ordinances, Resolutions, or parts thereof in conflict herewith, be and the same are hereby repealed to the extent of such conflict.

SECTION 5. Should any section, provision, paragraph, sentence, clause of word of this Ordinance or portion hereof be held or declared by any court of competent jurisdiction to be unconstitutional or invalid, in part or application, it shall be considered as eliminated and shall not affect the validity of the remaining portions or applications of this Ordinance.

SECTION 6. This Ordinance shall become effective upon adoption.

[INTENTIONALLY LEFT BLANK]

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PASSED, FIRST READING this _____ day of _____, 2025.

PASSED, SECOND READING this _____day of _____, 2025.

_____
MICHELLE J. GOMEZ
MAYOR

ATTEST:

_____
KIMBERLY DILLON, CMC
CITY CLERK

RECORD OF COMMISSION VOTE: 1ST Reading

MAYOR GOMEZ	_____
DIST 1: COMM BOLTON	_____
DIST 2: COMM WRIGHT	_____
DIST 3: COMM PATTERSON	_____
DIST 4: V/M DANIEL	_____

RECORD OF COMMISSION VOTE: 2ND Reading

MAYOR GOMEZ	_____
DIST 1: COMM BOLTON	_____
DIST 2: COMM WRIGHT	_____
DIST 3: COMM PATTERSON	_____
DIST 4: V/M DANIEL	_____

APPROVED AS TO FORM AND LEGAL SUFFICIENCY FOR THE USE AND RELIANCE OF THE CITY OF TAMARAC ONLY:

_____
HANS OTTINOT
CITY ATTORNEY

This Ordinance was filed in the Office of the City Clerk on this ___ day of _____ 2025.

CODING: Words in ~~strike through~~ type are deletions from existing law; Words in <u>underlined</u> type are additions.

TAMARAC
The City For Your Life

PLANNING BOARD AGENDA ITEM REPORT

DATE: August 13, 2025

SUBMITTED BY: Collette Tibby

ITEM TYPE: Ordinance

TEMP. ORDINANCE NUMBER: 2598

AGENDA SECTION: **Public Hearing**

TITLE: TO2598 - An ordinance of the City Commission of the City of Tamarac, Florida, amending Chapter 10, Article 5 of the City of Tamarac Land Development Code, entitled "Development Review Procedures," by amending Section 10-5.2, entitled "Summary Table of Development Review Procedures" , specifically Table 10-5.1 and Table 10-5.2, entitled "General Notice Requirements"; and amending Subsection 10-5.4(J), entitled "Plat Approval," to designate the Director of Community Development as the administrative authority for plat and replat submittals, and to revise plat approval procedures in compliance with Senate Bill 784, amending Section 177.071 Florida Statutes, as set forth in Exhibit "A"; providing for codification; providing for conflicts; providing for severability; and providing for an effective date.

RECOMMENDATION:

ATTACHMENTS:
1-Memo_2598.docx
2. TO#2598 text Amendment 10-5.docx
Exhibit A Senate Bill 784.pdf

CITY OF TAMARAC
INTEROFFICE MEMORANDUM 25-07-002M
COMMUNITY DEVELOPMENT

TO: Planning Board
Meeting of August 13, 2025

FROM: Maxine Calloway
Community Development Director

DATE: July 9, 2025

RE: Ordinance amending Chapter 10, Article 5 of the City's Land Development Code by amending Section 10-5.2, "Summary Table of Development Review Procedures," specifically Table 10-5.1 and Table 10-5.2 "General Notice Requirements"; and amending Section 10-5.4(J), "Plat Approval," to designate the Director of Community Development as the administrative authority for plat and replat submittals and to revise plat approval procedures in compliance with Senate Bill 784 –**Temp. Ordinance No. 2598**

Recommendation: The Director of Community Development recommends that the Planning Board forward a favorable recommendation to the City Commission for the proposed text amendment to Chapter 10, Article 5 of the City's Land Development Code, by amending Section 10-5.2, "Summary Table of Development Review Procedures," specifically Table 10-5.1 and Table 10-5.2, "General Notice Requirements; and amending subsection 10-5.4(J), "Plat Approval," to designate the Director of Community Development as the administrative authority for plat and replat submittals and to update the plat approval procedures in compliance with Senate Bill 784. This item is scheduled for consideration by the City Commission on First Reading at its August 27, 2025 meeting and on Second Reading at its September 10, 2025 meeting (see attached Temporary Resolution No. 2598).

Issue: SB 784, effective July 1, 2025, amended F.S. § 177.071 to require municipalities to designate an administrative authority responsible for receiving, reviewing, and approving plat and replat submittals. The law mandates administrative action within specific timeframes and limits the ability to delay the process through extension requests. SB 784 was adopted to streamline the plat review process statewide and to provide greater consistency and predictability in the local review of subdivision plats.

Background: In accordance with Article VIII, Section 2(b) of the Florida Constitution and Section 166.021, Florida Statutes, municipalities possess broad home rule authority to adopt ordinances to protect public welfare. SB 784 mandates procedural reforms to the platting process and requires that municipalities administratively approve qualifying plats and replats that comply with statutory requirements.

To satisfy this new state requirement, the City must revise Section 10-5.4(J) of the Land Development Code, as well as Section 10-5.2, specifically the applications table (Table 10-5.1) to:

- Designate an administrative authority;
- Set a 7-business-day timeframe for acknowledgment of submittals;
- Establish clear approval, conditional approval, and denial procedures; and
- Prohibit the City from requesting time extensions from applicants.
- Revise the Table to mark the plat application as Administrative as opposed to a public hearing.

Analysis: The proposed text amendment to Chapter 10, Article 5 of the City's Land Development Code revises subsection 10-5.4(J), "Plat Approval," to codify compliance with SB 784 by designating the Director of Community Development as the sole administrative authority for the review and approval of

plat and replat applications. Under this amendment, plat and replat requests will no longer be considered by the Planning Board or the City Commission and must be approved through an administrative process. The amendment also establishes required timeframes for notice and action, thereby enhancing procedural consistency and ensuring timely responses. These changes improve internal accountability, align local procedures with state law, and provide greater clarity and predictability for applicants. Additionally, Section 10-5.2, "Summary of Development Review Procedures," specifically Table 10-5.1 and Table 10-5.2, "General Notice Requirements" are updated to reflect the revised, administratively driven plat approval process.

Amendment to Text of Development Code

- Is consistent with the Comprehensive Plan
- Does not conflict with other provisions of the Tamarac City Code
- Is required by changed conditions
- Addresses a demonstrated community need
- Would result in a logical and orderly development pattern
- Avoids significantly adverse environmental impacts

Conclusion: The proposed ordinance ensures that Tamarac's plat approval procedures are consistent with Florida law while maintaining the City's professional review standards.

Accordingly, the Director of Community Development recommends that the Planning Board forward a favorable recommendation for the proposed text amendment to Chapter 10, Article 5 of the City's Land Development Code, by amending Section 10-5.2, "Summary Table of Development Review Procedures," specifically Table 10-5.1 and Table 10-5.2, "General Notice Requirements"; and subsection 10-5.4(J), "Plat Approval," to designate the Director of Community Development as the administrative authority for plat and replat submittals and to update the plat approval procedures in compliance with Senate Bill 784. This item is scheduled for consideration by the City Commission on First Reading at its August 27, 2025 meeting and on Second Reading at its September 10, 2025 meeting.

Fiscal Impact: The proposed amendment is administrative in nature and does not introduce new costs or revenue.

Maxine A. Calloway,
Director of Community Development

MAC/MM

Attachment: SB 784
Temporary Ordinance No. 2598

CITY OF TAMARAC, FLORIDA

ORDINANCE NO. ____

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF TAMARAC, FLORIDA, AMENDING CHAPTER 10, ARTICLE 5 OF THE CITY OF TAMARAC LAND DEVELOPMENT CODE, ENTITLED "DEVELOPMENT REVIEW PROCEDURES," BY AMENDING SECTION 10-5.2, ENTITLED "SUMMARY TABLE OF DEVELOPMENT REVIEW PROCEDURES" , SPECIFICALLY TABLE 10-5.1 AND TABLE 10-5.2, ENTITLED "GENERAL NOTICE REQUIREMENTS"; AND AMENDING SUBSECTION 10-5.4(J), ENTITLED "PLAT APPROVAL," TO DESIGNATE THE DIRECTOR OF COMMUNITY DEVELOPMENT AS THE ADMINISTRATIVE AUTHORITY FOR PLAT AND REPLAT SUBMITTALS, AND TO REVISE PLAT APPROVAL PROCEDURES IN COMPLIANCE WITH SENATE BILL 784, AMENDING SECTION 177.071 FLORIDA STATUTES, AS SET FORTH IN EXHIBIT "A"; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Tamarac Land Development Code establishes procedures and requirements for the review and approval of development applications, including plats and replats; and

WHEREAS, Senate Bill 784, adopted by the Florida Legislature on April 29, 2025 and effective July 1, 2025, is attached hereto and incorporated herein as Exhibit "A"; and

WHEREAS, Senate Bill 784 amended Florida Statutes § 177.071 to require municipalities to designate an administrative authority responsible for receiving, reviewing, and approving plat and replat submittals, and established mandatory timeframes for notice and final action, thereby requiring that all such submittals be approved through an administrative process; and

WHEREAS, the City of Tamarac seeks to amend its Land Development Code to codify compliance with Senate Bill 784 and ensure that the local plat review process aligns with state law; and

WHEREAS, the amendment revises Subsection 10-5.4(J), "Plat Approval," to designate the Director of Community Development as the administrative authority and to update procedural requirements in accordance with Senate Bill 784, and also updates Section 10-5.2, "Summary of Development Review Procedures," specifically Table 10-5.1 and Table 10-5.2, "General Notice Requirements," to reflect the changes to the plat approval process; and

WHEREAS, the City Commission finds that the proposed amendment is consistent with the goals, objectives, and policies of the City's Comprehensive Plan, promotes orderly development, and serves the public health, safety, and welfare.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF TAMARAC, FLORIDA, AS FOLLOWS:

SECTION 1. The foregoing recitals are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this Ordinance upon adoption hereof.

SECTION 2. That Chapter 10, Article 5 of the City of Tamarac Land Development Code is hereby amended as follows:

ARTICLE 5. – ADMINISTRATION

****

10-5.2 - Summary Table of Development Review Procedures.

The following table lists the types of development applications authorized by this Code. For each type of application, the table indicates whether a pre-application staff conference or neighborhood meeting is required, what role City review authorities play in its review, when a public hearing is required, and what type of public hearing (standard or quasi-judicial) is involved.

Table 10-5.1: Summary of Development Review Procedures

C = Review and Comment R = Review and Recommend D = Review and Decide [ ] = Standard Public Hearing &lt?> = Quasi-Judicial Public Hearing

Application Type		Pre-Application Staff Conference	Pre-Application Neighborhood Meeting	Review Authorities			
				Development Review Committee	Director	Planning Board	City Commission
Amendments							
Comprehensive Plan Amendment -§10-5.4(B)	General	Required			R	[R]	[D]
	Site-Specific	Required	Required		R	[R]	[D]
Establishment of Use—§10-5.4(C)		Required			R	[R]	[D]
Amendment to Text of Development Code—§10- 5.4(D)		Required			R	[R]	[D]

Planned Development Plan/Agreement—§10- 5.4(E)		Required	Required		R	[R]	[D]
Rezoning—§10- 5.4(F)	General	Required			R	[R]	[D]
	Site-Specific	Required	Required		R	<R>	<D>
Permits and Development Approvals							

Special Exception—§10- 5.4(G)					R	<R>	<D>
Site Plan Approval—§10-5.4(H)	Major	Required	Required	C	R	<R>	<D>
	Minor	Optional			D		
Improvement Permit—§10-5.4(I)		Optional			D		
Plat—§10-5.4(J)		Required		~~C~~	~~R~~ D	~~<R>~~	~~<D>~~
Temporary Use/Structure Permit—§10-5.4(K)		Optional			D		
Sign Permit—§10-5.4(L)		Optional			D		
Tree Removal License—§10-5.4(M)		See ~~Broward County Tree Preservation and Abuse Ordinance~~ Section 10-4.4, Landscaping and Tree Preservation					

Building Permit—§10-5.4(N)	Optional			D		
Certificate of Occupancy —§ 10-5.4(O)	Optional			D		
Vacation of Easement	Optional					<D>
Relief Procedures						
Administrative Adjustment—§10-5.4(P)	Required			D		
Variance -§10-5.4(Q)	Required			R	<R>	<D>

Administrative Appeal—§10-5.4(R)	N/A				<D>	
Other Procedures						
Flex and Redevelopment Units and Acreage—§10- 5.4(S)	Required			R	[R]	[D]
Newsrack Certificate of Compliance—§10-5.4(T)	Optional			D		
Zoning in Progress Determination—§10- 5.4(U)	Optional			R		D

****

Table 10-5.2: General Notice Requirements			
Application Type	**Notice Timing Requirement**		
Published Notices	**Mailed Notices**	**Posted Notices**	
**********			
Site Plan Approval, Major	• Notice of Planning Board public hearing at least 15 days before hearing date • Notice of City Commission public hearing at least 15 days before hearing date	The applicant shall mail notice of the Planning Board and City Commission public hearings at least 15 days before the hearing dates to the owners of the application site and all properties within 400 feet of the application site	• The applicant shall post notice of the Planning Board public hearing on the site at least 15 days before the hearing date • The applicant shall post notice of the City Commission public hearing on the site at least 15 days before the hearing date
~~Plat Approval~~	~~• Notice of Planning Board public hearing at least 7 days before hearing date~~ ~~• Notice of City Commission public hearing at least 5 days before hearing date~~		

Vacation of Public Easement	• Notice of City Commission public hearing at least 15 days before hearing date		
Variance or Appeal, as applicable	• Notice of Planning Board public hearing at least 15 days before hearing date • Notice of City Commission public hearing at least 15 days before hearing date	For applications for a variance or an appeal that pertains to a particular site, the applicant shall mail notice of the Planning Board and City Commission public hearings at least 15 days before the hearing dates to the owners of the application site and all properties within 400 feet of the application site	For applications for a variance or an appeal that pertains to a particular site, the applicant shall post notice of the Planning Board and City Commission public hearings on the site at least 15 days before the hearing dates

****

10-5.4 Application—Specific Review Procedures

****

(J) **Plat Approval**

(1) **Purpose.** The purpose of this section is to provide a review procedure that:

(a) Conforms to the Broward County Land Use Plan's mandate that local governments require platting wherever the County Land Use Plan requires

platting~~;~~, ensures compliance with state law, and establishes a procedure for the City's administrative approval of plats and replats in accordance with F.S. § 177.071 (2025), as amended;

(b) Ensures that subdivisions of land comply with applicable provisions of this Code and otherwise provide for the orderly and efficient development of the city; and

(c) Assures consistent and equitable treatment for engineers, surveyors, and subdividers in the review and processing of applications for plat approval.

(2) **Applicability**

(a) **General.** Unless exempted under subsection (b) below, Plat Approval in accordance with this subsection is required:

(i) Before any Building Permit may be issued for a principal building on a lot;

(ii) Before any plat of a subdivision of land may be recorded or any development associated with the subdivision may occur; and

(iii) Before any Improvement Permit may be issued, unless the Improvement Permit is for clearing and grubbing only.

(b) **Exemptions**

(i) Plat Approval is not required where expressly exempted from platting by Article 7 of the Broward County Administrative Rules as amended from time to time.

(ii) Plat Approval is not required under provision (a)(ii) above for:

A. The combination or recombination of lots or portions of previously subdivided and recorded lots where:

1. The total number of lots is not increased;

2. Each resulting lot complies with applicable lot standards of this Code; and

3. No nonconformities are created.

B. The division of a lot resulting from the public acquisition of land for the purpose of establishing, opening, widening, or expanding streets, parks, or greenways.

C. A revision of a previously approved and recorded plat that incorporates only minor changes to nonvehicular access easements or openings or to plat notes.

(iii) The Director shall determine whether these exemptions apply in response to a written request for such a determination. The requestor

shall pay the application fee established for such reviews by the City Commission under §10-5.3(D)(3), *Application Fees.*

(c) **Alternatives to Plat Approval.** Generally, development may not cross platted property lines. However, Plat Approval shall not be required in the following instances:

(i) **Unity of Title.** The Director may approve a Unity of Title application as set forth in the administrative manual, which shall demonstrate common ownership of the subject properties. The Unity of Title shall be approved and recorded prior to issuance of building permit.

(ii) **Declaration of Unity of Control.** The Director may approve a Declaration of Unity of Control that authorizes subdivision of portions of an overall site that were previously approved as a unified site. This allows the previous development regulations to remain applicable to the overall property and individual subparcels, regardless of ownership, and not individually required to meet property development regulations in accordance with the Declaration of Unity of Control.

(d) **Concurrent Review**

(i) An application for Plat Approval may be submitted and reviewed concurrently with an application for Site Plan Approval or an Administrative Adjustment. In such a case, the Director shall not decide the Plat Approval application until after the Site Plan Approval or Administrative Adjustment application is approved.

(ii) An application for Plat Approval may be submitted and reviewed concurrently with an application for an Improvement Permit or a Building Permit. In such a case, the Director and the Chief Building Official shall not approve the Improvement Permit or Building Permit application until after the Plat Approval application is approved by the City.

(3) **Procedure.** Table 10-5.1: and the following subsections identify those steps in the common review procedure (see §10-5.3) applicable to the review of Plat Approval applications and note any specific variations of, or additions to, those review steps.

(a) **Application Submittal and Acceptance.** The application shall be submitted and accepted, and may be withdrawn, in accordance with §10-5.3(D).

~~(b) **Staff Review and Action.** The Director and the Chief Building Official shall review the application and prepare a staff memorandum and recommendation in accordance with §10-5.3(E).~~

~~(c) **Scheduling and Public Notice of Meetings.** The application shall be scheduled, and required public notices provided, for Planning Board and City Commission hearings in accordance with §10-5.3(F).~~

~~(d) **Planning Board Review and Action.** The Planning Board shall review the application, hold a public hearing, and make a recommendation in accordance with §10-5.3(G). The hearing shall be a quasi-judicial hearing.~~

~~(e) **City Commission Review and Decision**~~

~~(i) The City Commission shall review the application, hold a public hearing in accordance with §10-5.3(I), and decide the application in accordance with §10-5.3(H). The hearing shall be a quasi-judicial hearing.~~

~~(ii) The decision shall be one of the following:~~

~~A. Adopt the plat as proposed;~~

~~B. Deny the plat;~~

~~C. Remand the application back to the Director and Planning Board for further consideration. (This may require further public hearing notices and additional review fees.)~~

(b) **Administrative Authority**. The Director of Community Development is designated as the administrative authority to receive, review, and act on all plat or replat submittals. The decision shall be one of the following:

(i) Approve the application as submitted;

(ii) Approve the application subject to conditions; or

(iii) Deny the application. The Director shall provide written notice identifying all areas of noncompliance and include specific citations to each requirement not satisfied.

(c) **Application Submittal.** An application for plat or replat approval shall be submitted in accordance with Section 10-5.3(D)(5). A submittal is considered complete when all required documents and information have been provided.

(d) **Application Review.** Within seven (7) business days of receiving a complete plat or replat submittal, the Director shall provide written notice to the applicant acknowledging receipt. The notice shall identify any missing documents or information necessary to determine compliance with F.S. § 177.091, describe the approval process, and specify the applicable approval schedule.

(e) **Restrictions.** Unless extended by the applicant, neither the Director nor any other official, employee, agent, or designee may request or require the applicant to seek an extension of time for review.

(f) **Post-Decision Actions.** The post-decision actions and limitations in §10-5.3(J) shall apply to the application except as follows:

(i) **Effect of Approval**

A. Plat Approval by the City allows submittal and review of an application for approval of the same plat by ~~the~~ Broward County ~~Commission~~ in accordance with the Broward County Land Development Code.

B. ~~On~~ After obtaining Broward County approval of the plat and recording the plat in accordance with Broward County platting requirements, the landowner is authorized to convey any newly created lot by reference to the record plat and to submit applications for an Improvement Permit, Building Permit, or other development approval required to develop the lot(s).

(ii) **Expiration of Approval.** Plat Approval shall automatically expire if an application for approval of the same plat is not approved by ~~the~~ Broward County ~~Commission~~ within two years after the date of Plat Approval by the City. This time period may be extended under § 10-5.3(J)(3)(b)(ii), *Extension of Expiration Time Period.*

(iii) **Minor Changes Allowed.** Minor changes from the plat (including conditions and notes) approved as part of Plat Approval may be incorporated into the application for Broward County approval of the City-approved plat, or onto the plat approved under Broward County platting requirements, or in subsequent applications for development authorized by the Plat Approval—without the need to amend the Plat Approval in accordance with § 10-5.3(J)(4), *Modification or Amendment of Approval*—provided, however, that the Director determines that such changes:

A. Continue to comply with this Code;

B. Are necessary to comply with conditions of approval; or

C. Are consistent with the Plat Approval—i.e., the changes would not significantly alter the development's general function, form, intensity, character, demand on public facilities, impact on adjacent properties, or other characteristic from that indicated by the Plat Approval.

(4) **Review Standards.** An application for Plat Approval shall be approved only if the Director determines that the proposed development:

(a) Will be consistent with the Comprehensive Plan;

(b) Will comply with applicable district, use, and development standards in this Code; and

(c) Will comply with all requirements and conditions of approval of any prior development permits or approvals.

****

SECTION 3. It is the intention of the City Commission of the City of Tamarac that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of the City of Tamarac, Florida, and that the Sections of this ordinance may be renumbered, re lettered and the word "Ordinance" may be changed to "Section", "Article" or such other word or phrase to accomplish such intention.

SECTION 4. That all Ordinances or parts of Ordinances, Resolutions, or parts thereof in conflict herewith, be and the same are hereby repealed to the extent of such conflict.

SECTION 5. Should any section, provision, paragraph, sentence, clause of word of this Ordinance or portion hereof be held or declared by any court of competent jurisdiction to be unconstitutional or invalid, in part or application, it shall be considered as eliminated and shall not affect the validity of the remaining portions or applications of this Ordinance.

SECTION 6. This Ordinance shall become effective upon adoption.

PASSED, FIRST READING this _____ day of _____, 2025.

PASSED, SECOND READING this _____day of _____, 2025.

_____
MICHELLE J. GOMEZ
MAYOR

ATTEST:

_____
KIMBERLY DILLON, CMC
CITY CLERK

RECORD OF COMMISSION VOTE: 1ST Reading

MAYOR GOMEZ	_____
DIST 1: COMM BOLTON	_____
DIST 2: COMM WRIGHT	_____
DIST 3: COMM PATTERSON	_____
DIST 4: V/M DANIEL	_____

RECORD OF COMMISSION VOTE: 2ND Reading

MAYOR GOMEZ	_____
DIST 1: COMM BOLTON	_____
DIST 2: COMM WRIGHT	_____
DIST 3: COMM PATTERSON	_____
DIST 4: V/M DANIEL	_____

APPROVED AS TO FORM AND LEGAL SUFFICIENCY FOR THE USE AND RELIANCE OF THE CITY OF TAMARAC ONLY:

_____
HANS OTTINOT
CITY ATTORNEY

This Ordinance was filed in the Office of the City Clerk on this ___ day of _____ 2025.

CODING: Words in ~~strike through~~ type are deletions from existing law; Words in <u>underlined</u> type are additions.

An act relating to platting; amending s. 177.071, F.S.; requiring that certain plat or replat submittals be administratively approved with no further action by certain entities under certain circumstances; requiring the governing body of such county or municipality to designate an administrative authority to receive, review, and process plat or replat submittals; providing requirements for such designation; defining the term "administrative authority"; requiring the administrative authority to submit a certain notice to an applicant; providing requirements for such notice; requiring the administrative authority to approve, approve with conditions, or deny a plat or replat submittal in accordance with the timeframe in the initial written notice to the applicant; requiring the administrative authority to notify the applicant in writing if it declines to approve a plat or replat submittal; requiring that the written notification contain the reasons for denial and other information; prohibiting the administrative authority or other official, employee, agent, or designee from requesting or requiring that the applicant request an extension of time; amending s. 177.111, F.S.; conforming provisions to changes made by the act; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Section 177.071, Florida Statutes, is amended to read:

177.071 Administrative approval of plats ~~plat~~ by designated county or municipal official ~~governing bodies~~.—

(1)(a) A plat or replat submitted under this part must be administratively approved and no further action or approval by the governing body of a county or municipality is required if the plat or replat complies with the requirements of s. 177.091. The governing body of the county or municipality shall designate, by ordinance or resolution, an administrative authority to receive, review, and process the plat or replat submittal, including designating an administrative official responsible for approving, approving with conditions, or denying the proposed plat or replat.

(b) As used in this section, the term "administrative authority" means a department, division, or other agency of the county or municipality. For purposes of issuing a final administrative approval of a plat or replat submittal, the term also includes an administrative officer or employee designated by the governing body of a county or municipality, including but not limited to, a county administrator or manager, a city manager, a deputy county administrator or manager, a deputy city manager, an assistant county administrator or manager, an assistant city manager, or other high-ranking county or city department or division director with direct or indirect oversight responsibility for the county's or municipality's land development, housing, utilities, or public works programs.

(2) Within 7 business days after receipt of a plat or

replat submittal, the administrative authority shall provide written notice to the applicant acknowledging receipt of the plat or replat submittal and identifying any missing documents or information necessary to process the plat or replat submittal for compliance with s. 177.091. The written notice must also provide information regarding the plat or replat approval process, including requirements regarding the completeness of the process and applicable timeframes for reviewing, approving, and otherwise processing the plat or replat submittal.

(3) Unless the applicant requests an extension of time, the administrative authority shall approve, approve with conditions, or deny the plat or replat submittal within the timeframe identified in the written notice provided to the applicant under subsection (2). If the administrative authority does not approve the plat or replat, it must notify the applicant in writing of the reasons for declining to approve the submittal. The written notice must identify all areas of noncompliance and include specific citations to each requirement the plat or replat submittal fails to meet. The administrative authority, or an official, an employee, an agent, or a designee of the governing body, may not request or require the applicant to file a written extension of time.

(4)~~(1)~~ Before a plat or replat is offered for recording, it must be administratively approved as required by this section ~~by the appropriate governing body~~, and evidence of such approval must be placed on the plat or replat. If not approved, the governing body must return the plat or replat to the professional surveyor and mapper or the legal entity offering the plat or replat for recordation. For the purposes of this

part:

(a) When the plat or replat to be submitted for approval is located wholly within the boundaries of a municipality, the ~~governing body of the~~ municipality has exclusive jurisdiction to approve the plat or replat.

(b) When a plat or replat lies wholly within the unincorporated areas of a county, the ~~governing body of the~~ county has exclusive jurisdiction to approve the plat or replat.

(c) When a plat or replat lies within the boundaries of more than one county, municipality, or both ~~governing body~~, two plats or replats must be prepared and each county or municipality ~~governing body~~ has exclusive jurisdiction to approve the plat or replat within its boundaries, unless each county or municipality with jurisdiction over the plat or replat agrees ~~the governing bodies having said jurisdiction agree~~ that one plat is mutually acceptable.

(5) ~~(2)~~ Any provision in a county charter, or in an ordinance of any charter county or consolidated government chartered under s. 6(e), Art. VIII of the State Constitution, which provision is inconsistent with anything contained in this section shall prevail in such charter county or consolidated government to the extent of any such inconsistency.

Section 2. Section 177.111, Florida Statutes, is amended to read:

177.111 Instructions for filing plats ~~plat~~.—After the approval by the appropriate administrative authority ~~governing body~~ required by s. 177.071, the plat or replat must ~~shall~~ be recorded by the circuit court clerk or other recording officer upon submission thereto of such approved plat or replat. The

circuit court clerk or other recording officer shall maintain in his or her office a book of the proper size for such papers so that they will ~~shall~~ not be folded, to be kept in the vault. A print or photographic copy must be filed in a similar book and kept in his or her office for the use of the public. The clerk shall make available to the public a full size copy of the record plat or replat at a reasonable fee.

Section 3. This act shall take effect July 1, 2025.

TAMARAC
The City For Your Life

PLANNING BOARD AGENDA ITEM REPORT

DATE: August 13, 2025

SUBMITTED BY: Collette Tibby

ITEM TYPE: Ordinance

TEMP. ORDINANCE NUMBER: 2601

AGENDA SECTION: **Public Hearing**

TITLE: TO2601 - An ordinance of the City Commission of the City of Tamarac, Florida amending Chapter 10, Article 5 of the City of Tamarac Code of Ordinances, entitled "Administration", by amending Section 10-5.3 entitled "Common Review Procedures" by specifically amending Section 10-5.3(C) entitled "Pre-Application Neighborhood Meeting" to require pre-application neighborhood meetings to be open to the public, and to require actual notice to owners of properties within a townhouse, condominium, or timeshare development; providing for codification; providing for conflicts; providing for severability; and providing for an effective date.

ATTACHMENTS:
1-Memo text Amendment 10-5.3.docx
2-_TO2601_Amendment_10-5.3.docx

CITY OF TAMARAC
INTEROFFICE MEMORANDUM 25-07-003M
COMMUNITY DEVELOPMENT

TO: Planning Board
Meeting of August 13, 2025

FROM: Maxine Calloway
Community Development Director

DATE: July 15, 2025

RE: Ordinance amending Chapter 10, Article 5, of the City's Land Development Code, entitled "Administration," by revising Section 10-5.3 (C), entitled "Pre-Application Neighborhood Meeting," to provide for additional notice to allow for greater participation of residents. **– Temp. Ordinance No. 2601**

Recommendation: The Director of Community Development recommends that the Planning Board forward a favorable recommendation to the City Commission for the proposed text amendment to Chapter 10, Article 5, entitled "Administration," Section 10-5.3(C), entitled "Pre-Application Neighborhood Meeting," to provide residents with more notice opportunities to allow for greater discussion of issues and concerns regarding development projects. The item is scheduled for consideration by the City Commission on First Reading at its August 27, 2025 meeting and on Second Reading at its September 10, 2025, meeting (see attached Temporary Ordinance No. 2601).

Issue: Section 10-5.3(C), entitled "Pre-Application Neighborhood Meeting," of the City's Land Development Code requires an amendment to address residents' concern about being provided sufficient and adequate notice on certain land development applications.

Background: Pursuant to Article VIII, Section 2(b) of the Florida Constitution and Section 166.021, Florida Statutes, municipalities possess broad home rule authority to adopt ordinances that promote the public health, safety, and welfare of their communities. In furtherance of this authority, the City of Tamarac has adopted land development regulations that support meaningful public participation in the development review process.

Section 10-5.3(C) of the City's Code of Ordinances establishes procedures requiring applicants and developers to conduct neighborhood meetings for certain types of development applications. These meetings are intended to educate residents on proposed development projects and provide an opportunity for applicants to hear and address community concerns before a project advances to a public hearing.

While neighborhood meetings have encouraged early dialogue and public engagement, recent concerns raised during the July 14, 2025 public meeting with District 3 Commissioner Krystal Patterson highlight the need for clearer and more broadly communicated procedures. These concerns stemmed from a rezoning application by Kings Point Tamarac to rezone a parcel from RC-Recreation to R3-Multi-Family Residential for a proposed healthcare clinic. Despite the project's intent, many residents reported feeling underinformed and overlooked due to insufficient notification and a lack of timely, accessible communication. In response, City staff

reviewed current practices and identified ways to improve consistency, accessibility, and applicant accountability. A proposed text amendment to Section 10-5.3(C) of the Code of Ordinances would require neighborhood meetings to be recorded, expand public notice methods, including digital distribution, and ensure residents have timely opportunities to share concerns.

These proposed enhancements reflect the City of Tamarac's continued commitment to transparency, early community engagement, and inclusive, community-centered planning. They also align with and build upon the procedural standards established under Broward County's Land Development Code.

Analysis:

This ordinance amends Section 10-5.3(C), "Pre-Application Neighborhood Meeting," to clarify procedures, strengthen public notice, and improve meeting accessibility. It reaffirms the existing requirement for applicants to record meetings and expands notice methods to include, individual notice if the project is within a townhome development, condominium, or timeshare, online publication and social media. These updates are intended to provide residents with earlier and more meaningful opportunities to engage with proposed development projects before public hearings. The amendments enhance procedural accountability and ensure alignment with state and local development regulations while promoting clearer, more consistent communication for both applicants and the public.

Amendment to Text of Development Code

(a) Is consistent with the Comprehensive Plan;

The City's Comprehensive Plan, Future Land Use Element, Objective 1, requires the City to amend its Land Development Code as needed to address changing conditions. The proposed amendment reflects current operational needs and enhances the City's ability to implement and enforce its Pre-Application Neighborhood Meeting policies effectively.

(b) Conflicts with any other provisions of the Tamarac City Code;

The proposed amendment does not conflict with other provisions of the City's Code and is limited to Common Review Procedures.

(c) Is required by changed conditions;

The amendment responds to the operational need for clarity, consistent enforcement, and improved regulatory organization identified during implementation.

(d) Addresses a demonstrated community need;

This ordinance responds to the community's need for greater transparency and early engagement in development projects. By improving neighborhood meeting procedures, it ensures residents have more meaningful opportunities to learn about and discuss proposed

developments before public hearings, helping address concerns and promote informed participation.

(e) Is consistent with the purpose and intent of the zoning districts in this Ordinance, or would improve compatibility among uses and would ensure efficient development within the City;

The amendment enhances the clarity and enforceability of the Pre-Application Neighborhood Meeting requirements, which support compatibility among uses and contributes to efficient site development.

(f) Would result in a logical and orderly development pattern; and

Clearer neighborhood meeting procedures ensure consistent application and allow for early resolution of concerns, contributing to more orderly and predictable development outcomes citywide.

(g) *Would avoid significantly adverse impacts on the natural environment, including, but not limited to, water, air, noise, stormwater management, wildlife, vegetation, wetlands, and the natural functioning of the environment*.

The enhanced standards foster earlier and better-informed resident engagement and support broader City efforts to consider environmental impacts during development review.

Conclusion: The ordinance supports the City's Strategic Plan Goal #1: "Tamarac is Home" and Goal #4: "Tamarac is Vibrant" by fostering early community engagement, enhancing transparency in the development process, and promoting development that aligns with residents' values. It helps create a safe, inclusive, and well-designed city by encouraging thoughtful planning, protecting neighborhood character, and supporting a visually cohesive and sustainable urban environment.

Accordingly, the Director of Community Development recommends that the Planning Board forward a favorable recommendation for the proposed text amendment to Chapter 10, Section 10-5.3 (C) of the City of Tamarac Code of Ordinances, entitled "Pre-Application Neighborhood Meeting ," to the City Commission on First Reading at its August 27, 2025 meeting, and on Second Reading at its September 10, 2025 meeting.

Fiscal Impact: The proposed amendment does not introduce new costs or revenue.

Maxine A. Calloway,
Director of Community Development

MAC/AW

Attachment: Temporary Ordinance No. 2601

CITY OF TAMARAC, FLORIDA

ORDINANCE NO. ____

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF TAMARAC, FLORIDA AMENDING CHAPTER 10, ARTICLE 5 OF THE CITY OF TAMARAC CODE OF ORDINANCES, ENTITLED "ADMINISTRATION", BY AMENDING SECTION 10-5.3 ENTITLED "COMMON REVIEW PROCEDURES" BY SPECIFICALLY AMENDING SECTION 10-5.3(C) ENTITLED "PRE-APPLICATION NEIGHBORHOOD MEETING" TO REQUIRE PRE-APPLICATION NEIGHBORHOOD MEETINGS TO BE OPEN TO THE PUBLIC, AND TO REQUIRE ACTUAL NOTICE TO OWNERS OF PROPERTIES WITHIN A TOWNHOUSE, CONDOMINIUM, OR TIMESHARE DEVELOPMENT; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City requires applicants and developers to hold neighborhood meetings on particular types of development applications, with concerned residents about the potential impacts of development projects; and

WHEREAS, Section 10-5.3 (C) of the City Code provides the procedures for applicants or developers to schedule neighborhood meetings with concerned residents; and

WHEREAS, the neighborhood meetings have been a useful tool for applicants and developers to address residents' concerns before a development application is presented for review at a public hearing; and

WHEREAS, the procedures to schedule a neighborhood meeting require revisions to ensure that residents' concerns are adequately addressed before a development application is presented at a public hearing; and

WHEREAS, the neighborhood meetings will provide residents with more time to address issues relating to a particular project versus waiting at a public hearing; and

WHEREAS, the City Commission of the City of Tamarac wishes to amend the pre-application neighborhood meeting procedures to provide residents with a better opportunity to discuss issues of concern regarding development projects.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF TAMARAC, FLORIDA, AS FOLLOWS:

SECTION 1. The foregoing recitals are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this Ordinance upon adoption hereof.

SECTION 2. That Article 5 entitled “ADMINISTRATION”, Section 10-5.3 entitled “Common Review Procedures”, subsection 10-5.3(C) entitled “Pre-Application Neighborhood Meeting", of the City of Tamarac Code of Ordinances is hereby amended as follows:

10-5.3 - Common Review Procedures

(C) Pre-Application Neighborhood Meeting

(1) **Purpose**. The purpose of the neighborhood meeting is to educate owners and occupants of nearby lands about an application that is being reviewed under this Code and to provide the applicant an opportunity to hear comments and concerns about the development proposal and resolve conflicts and outstanding issues where possible.

(2) **Applicability.** A neighborhood meeting is required for a particular application type as shown in Table 10-5.1: Summary of Development Review Procedures. A neighborhood meeting is optional for all other application types.

(3) **Procedure**. If a neighborhood meeting is held by the applicant, whether it is mandatory or voluntary, it shall comply with the following procedures:

(a) **Time and Place**

(i) The meeting shall be held after 5:00 P.M. on a weekday, or a date after the pre-application staff conference, and at least 21 days before the public hearing for the applications.

(ii) The meeting shall be held at a place within the City that is convenient and accessible to neighbors residents in close proximity to the land subject to the application in a facility that can support all interested parties.

(iii) The meeting shall be open to the public and any member of the public may attend the meeting. The meeting shall be recorded by the applicant.

(b) **Notification**

(i) **Mailed Notice**

A. The applicant shall mail notice of the meeting a minimum of ten (10) days in advance of the meeting to City staff, the owner of land subject to the application (if different from the applicant), and any organization or person who has registered to receive notice of development application hearings, and owners of the real property within:

1. 400 feet of the land subject to the application, for applications for a General Zoning District Map Amendment, Site-Specific Zoning District Map Amendment, Comprehensive Plan Amendment, Planned Development, or Special Use Permit; or

2. 150 feet of the land subject to the application, for all other applications.

B. Where neighboring lands are part of a townhouse, condominium, or timeshare development, the notice ~~may~~ shall be mailed to the president or manager of the development's property owners' association ~~instead of~~ and individual unit owners.

(ii) **Posted Notice and Publication**. The applicant shall post notice of the neighborhood meeting on the land subject to an application for a development permit, and in the clubhouse or offices of the adjacent homeowners association(s) as applicable, at least ten (10) days before the date fixed for the meeting, in a form established by City staff. City staff shall publish the notice on the City's website and other social media platforms. A copy of the notice shall be provided to members of the City Commission.

(iii) **Notice Content**. The notice shall state the time of the meeting, the general nature of the development proposal, and that the meeting is being hosted by the applicant.

(e) **Written Summary of Neighborhood Meeting**. The applicant shall submit a written summary of the meeting to City staff at least 21 days before the application is reviewed by an advisory board or a decision-making board (if no advisory board review is involved). No public hearing shall be scheduled until the applicant has submitted the summary of the meeting to City staff as required by this subsection. The summary of the meeting will be presented to the advisory board or City Commission prior to a public hearing. The summary shall include a list of meeting attendees, a summary of attendee comments, discussed issues related to the development proposal, note of the opportunity to submit a written response to the summary, and any other information the applicant deems appropriate. The meeting summary shall be included with the application materials and be made available to the public for inspection.

SECTION 3. Codification. It is the intention of the City Commission of the City of Tamarac that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of the City of Tamarac, Florida, and that the Sections of this ordinance may be renumbered, re lettered and the word "Ordinance" may be changed to "Section", "Article" or such other word or phrase in order to accomplish such intention.

SECTION 4. Conflicts. That all Ordinances or parts of Ordinances, Resolutions or parts thereof in conflict herewith, be and the same are hereby repealed to the extent of such conflict.

SECTION 5. Severability. Should any section, provision, paragraph, sentence, clause of word of this Ordinance or portion hereof be held or declared by any court of competent jurisdiction to be unconstitutional or invalid, in part or application, it shall be considered as eliminated and shall not affect the validity of the remaining portions or applications of this Ordinance.

SECTION 6. Effective Date. This Ordinance shall become effective upon adoption.

CODING: Words in ~~strike through~~ type are deletions from existing law; Words in underlined type are additions.

PASSED, FIRST READING this day of , 2025.

PASSED, SECOND READING this day of , 2025.

MICHELLE J. GOMEZ, MAYOR

ATTEST:

KIMBERLY DILLON, CMC
CITY CLERK

RECORD OF COMMISSION VOTE: 1ST Reading
MAYOR GOMEZ _____
DIST 1: COMM. BOLTON _____
DIST 2: COMM. WRIGHT _____
DIST 3: COMM. PATTERSON _____
DIST 4: V/M DANIEL _____

RECORD OF COMMISSION VOTE: 2ND Reading
MAYOR GOMEZ _____
DIST 1: COMM. BOLTON _____
DIST 2: COMM. WRIGHT _____
DIST 3: COMM. PATTERSON _____
DIST 4: V/M DANIEL _____

APPROVED AS TO FORM AND LEGAL SUFFICIENCY FOR THE USE AND RELIANCE OF THE CITY OF TAMARAC ONLY.

HANS OTTINOT,
CITY ATTORNEY

This Ordinance was filed in the Office of the City Clerk on this ___ day of _____ 2025.

CODING: Words in ~~strike through~~ type are deletions from existing law; Words in <u>underlined</u> type are additions.

TAMARAC
The City For Your Life

PLANNING BOARD AGENDA ITEM REPORT

DATE:	August 13, 2025
SUBMITTED BY:	Collette Tibby
ITEM TYPE:	Board Order
AGENDA SECTION:	**Quasi-Judicial Hearing**
TITLE:	TBO97 - Board Order approving/denying request for Site Plan Extension for Tamarac Day Care located at 7830 N University Drive, to allow for an additional twelve (12) month extension of the Major Site Plan approval (with conditions) for the construction of a new 6,204 square foot childcare facility building and associated 2,750 square foot play area.
STRATEGIC GOALS:	Goal #4: Tamarac is Vibrant

ATTACHMENTS:

1 - Tamarac Day Care Site Plan Extension Memo.doc
2 - Final Board Order for Development Permit- Temp Board Order No 97.doc
3 - Justification Statement.pdf
4 - Final Board Order for Development Permit.pdf
5 - SITE PLAN.pdf
6 - TAMARAC DAY CARE SP APPROVAL LETTER_6-13-22.pdf
7 - Site Plan Extension Letter_6-9-23.pdf
8 - Site Plan Extension â€“ Tamarac Day Care SP.pdf
9 - Final Board Order for Development Permit â€“ BO-2024-05.pdf

CITY OF TAMARAC
INTEROFFICE MEMORANDUM 25-06-007M
COMMUNITY DEVELOPMENT DEPARTMENT

TO: Planning Board
Meeting of August 13, 2025

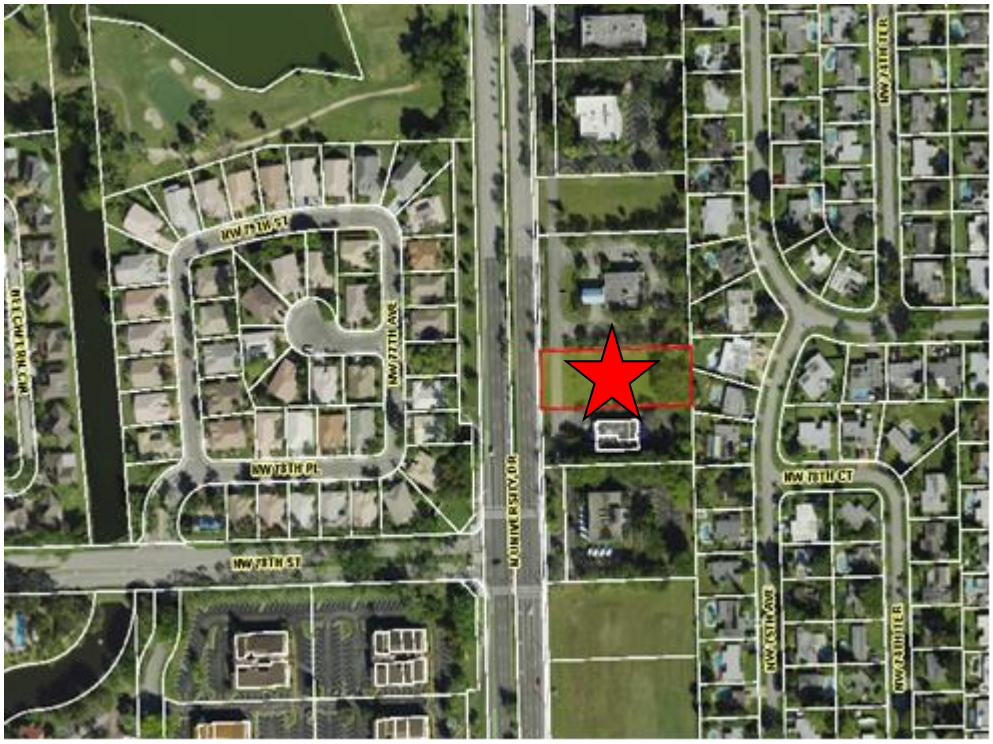
FROM: Maxine A. Calloway,
Director of Community Development

DATE: June 18, 2025

RE: Tamarac Day Care – Site Plan Extension
TEMP BOARD ORDER NO. 97; CASE#: 1-SP-25; **MF#:**01-20

RECOMMENDATION: The Director of Community Development recommends that the Planning Board approve the request for Site Plan Extension for Tamarac Day Care, to allow for an additional twelve (12) month extension of the Major Site Plan approval at its August 13, 2025 meeting with a condition (see attached Final Board Approving Site Plan Extension- Temp Board Order No. 97).

ISSUE: Brett Foster, Officer of F.P. Dino, Inc., Registered Agent of the Property Owner, 7830 University Development, LLC, is requesting approval of a Site Plan Extension to continue the development of the subject property for the construction of a new 6,204 square foot childcare facility building and associated 2,750 square foot play area located at 7830 N University Drive (see attached Site Plan Extension/Tamarac Daycare/Justification Statement).



Aerial Photograph

LOCATION: The subject property is located on the east side of N University Drive, north of NW 78 Street at 7830 N University Drive (see Aerial Photograph above). The property is serviced by an access road

that runs parallel to University Drive. The subject property is 0.58 net acres in size, has a current City of Tamarac Future Land Use designation of "Commercial" and a zoning classification of MU-N (Mixed-Use Neighborhood).

Surrounding Land Use and Zoning:

North: 21st Century Oncology Radiation Therapy zoned MU-N (Mixed-Use Neighborhood) with a future land use designation of "Commercial."

South: West Broward Eyecare Associates and Digiorgio Insurance Inc. zoned MU-N (Mixed-Use Neighborhood) with a future land use designation of "Commercial."

East: Heathgate single-family subdivision zoned R-1 (Single-Family Residential) with a City of Tamarac Future Land Use designation of "Low Residential."

West: Avalon Estates zoned R-1 (Single-Family Residential) with a City of Tamarac Future Land Use designation of "Low Residential."

BACKGROUND: On January 6, 2021, the Planning Board approved a request for Special Exception to allow for the operation of a child care facility in an MU-N (Mixed-Use Neighborhood) zoning district on the subject property. Additionally on January 6, 2021, the Planning Board approved a request for Major Site Plan with conditions to allow for the construction of a new 6,204 square foot childcare facility building and associated 2,750 square foot play area on the subject property (see attached Final Board Order for Development Permit).

Conditions of the Major Site Plan approval included:

- "Satisfaction of the minor outstanding Development Review Committee comments from the review of the New Development Site Plan for Tamarac Day Care, Case #8-SP-20," and
- "Site plan approval shall be void one (1) year after the date of approval unless a building permit has been issued for the construction of all facilities provided in the site plan and construction is diligently pursued."

On June 13, 2022, outstanding comments from the Development Review Committee were satisfied and the application for Tamarac Day Care SP, Case No. 8-SP-20, was approved (see attached Site Plan and Tamarac Day Care SP Approval Letter).

On June 13, 2023, an application for Site Plan Extension was received from the applicant due to personal health issues of the operator (see attached Site Plan Extension Letter dated June 9, 2023). Section 10-5.3(J)(3)(b)(ii), Land Development Code, allows for extensions of the expiration time period for the lesser of the original time period or one year, on receiving a written request for extension before the expiration date and on a showing of good cause. The Site Plan Extension request for Tamarac Day Care was approved and extended twelve (12) months to June 13, 2024, due to request being received prior to the expiration date and showing good cause (see attached Site Plan Extension – Tamarac Day Care SP).

Section 10-5.3(J)(3)(b)(ii), Land Development Code, allows for further extensions subject to approval by the authority that approved the development application, on submittal of a written request to the Director

before the current expiration date and showing of good cause.

On June 11, 2024, an additional application for Site Plan Extension was received from the applicant due to the ongoing health issues of the operator (see attached Site Plan Extension/Tamarac Daycare/Justification Statement). The applicant cited the need to remarket the site to other daycare operators due to the ongoing health issues of the operator. At its meeting on July 3, 2024, the Planning Board approved the request for Site Plan Extension which extended the Major Site Plan Approval (with conditions) for Tamarac Day Care twelve (12) months to June 13, 2025 (see attached Final Board Order for Development Permit – BO-2024-05).

On June 12, 2025, another application for Site Plan Extension was received from the applicant. The applicant cited that a new operator of the daycare was identified, and a lease agreement executed on October 25, 2024. The statement further mentions that the financial qualification of the new operator has since been completed. The applicant requests another one (1) year extension to proceed with the project due to the securing of financing that will allow for construction of the day care.

ANALYSIS: Section 10-5.3(J)(3)(b)(ii), Code of Ordinances, allows for further extensions subject to approval by the authority that approved the development application, on submittal of a written request to the Director before the current expiration date and showing of good cause:

- The Planning Board approved the request with conditions for Major Site Plan for Tamarac Day Care on January 6, 2021.
- On June 13, 2023, the Major Site Plan approval for Tamarac Day Care was extended twelve (12) months to June 13, 2024.
- On July 3, 2024, the Planning Board approved the request for Site Plan Extension extending the Major Site Plan approval for Tamarac Day Care twelve (12) months to June 13, 2025.
- On June 12, 2025, an additional application for Site Plan Extension was received.

The additional application for Site Plan Extension is subject to approval by the Planning Board.

It is the opinion of the Director of Community Development that the requirements for Site Plan Extension, as outlined in Section 10-5.3(J)(3)(b)(ii), Code of Ordinances, have been satisfied as the request was received prior to the current expiration date and is showing of good cause.

CONCLUSION: This item supports Goal #4 of the City of Tamarac's 2040 Strategic Plan, "Tamarac is Vibrant." The approval of the Site Plan Extension will allow for the development of the vacant subject property thereby providing an opportunity to revitalize the appearance, image, and attractiveness of the community.

The Director of Community Development recommends that the Planning Board approve the request for Site Plan Extension for Tamarac Day Care, to allow for an additional twelve (12) month extension of the Major Site Plan approval at its August 13, 2025 meeting with a condition of approval:

1. Major Site Plan approval (with conditions) for Tamarac Day Care, Case #2-Z-20, is extended twelve (12) months until June 13, 2026.

FISCAL IMPACT: The construction value of the project is estimated at $704,000. This will provide

approximately $ 22,038 in annual real estate taxes to the City of Tamarac.

Maxine A. Calloway
Director of Community Development

Attachments:
Final Board Order for Development Permit- Temp Board Order No. 97
Site Plan Extension/Tamarac Daycare/Justification Statement
Final Board Order for Development Permit
Site Plan
Tamarac Day Care SP Approval Letter_6-13-22
Site Plan Extension Letter dated June 9, 2023
Site Plan Extension – Tamarac Day Care SP
Final Board Order for Development Permit – BO-2024-05

MAC:RWJ

Return to:
City Attorney
CITY OF TAMARAC
7525 NW 88TH Avenue
Tamarac, Florida 33321-2401

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FINAL BOARD ORDER FOR DEVELOPMENT PERMIT

BEFORE THE PLANNING BOARD
CITY OF TAMARAC, FLORIDA
BO - 2025 -____

HEARING DATE: August 13, 2025
CASE NO. 5-SP-25

IN RE: The Application of: Tamarac Day Care
Location: 7830 N University Drive, Tamarac, Florida

Property Identification Number: 494103150200

Property Legal Description: LYONS COMMERCIAL SUBDIVSION NO 3 76-31 B LOT 20 BLK 11

FINAL ORDER APPROVING SITE PLAN EXTENSION

Order granting Site Plan Extension for Tamarac Day Care, to allow for an additional twelve (12) month extension of the Major Site Plan approval (with conditions) for the construction of a new 6,204 square foot childcare facility building and associated 2,750 square foot play area located at 7830 N University Drive (Case No. 8-SP-20).

Brett Foster, Officer of F.P. Dino, Inc., Registered Agent of the Property Owner, 7830 University Development, LLC, is requesting approval of a Site Plan Extension to continue the development of the subject property, known as Lot 20, Block 11 on the Plat of Lyons Commercial Subdivision No. 3, for the construction of a new 6,204 square foot childcare facility building and associated 2,750 square foot play area located at 7830 N University Drive.

The City of Tamarac has identified that the property located at 7830 N University Drive,

Tamarac, Florida (the "Property") is located in the MU-N, Mixed-Use Neighborhood Zoning District.

Pursuant to the authority contained in Sections 10-5.3(J)(3)(b)(ii) of the City of Tamarac Code of Ordinances, the Applicant's request for Site Plan Extension to allow for an additional twelve (12) month extension of the Major Site Plan approval (with conditions) for the construction of a new 6,204 square foot childcare facility building and associated 2,750 square foot play area located at 7830 N University Drive is hereby **APPROVED** subject to the following condition:

1. Major Site Plan approval (with conditions) for Tamarac Day Care, Case #2-Z-20, is extended twelve (12) months until June 13, 2026.

[INTENTIONALLY LEFT BLANK]

This document shall be recorded in the public records of Broward County, Florida.

DONE and ORDERED this _____ day of _____, 2025, in Tamarac, Florida.

PLANNING BOARD
CITY OF TAMARAC, FLORIDA

By: _____
_____- BOARD CHAIR

ATTEST:

_____
Collette Tibby, Administrative Coordinator

STATE OF FLORIDA)
) §§
COUNTY OF BROWARD)

I hereby certify that on this day, before me, appeared Planning Board ___ Chairperson, _____, to me personally known, who acknowledged that she is the Chair of the City of Tamarac ("City") Planning Board, a Florida municipal corporation, and that this instrument was signed for the purposes contained on behalf of the City and by the authority of the City, and that she further acknowledges the instrument to be the free act and deed of the Board.

Sworn to and subscribed before me this _____ day of _____, 2025.

_____
NOTARY PUBLIC, STATE OF FLORIDA

My Commission Expires:

F. P. Dino, Inc. A Florida Corporation
2234 North Federal Highway • Suite 470 • Boca Raton, FL 3343
561-278-2785 • fax 561-276-4285 • www.fpdino.com

June 10th, 2025

Robert Johnson
Tamarac Community Development
7525 NW 88th Ave
Tamarac, FL 33321

VIA: Email

RE: Site Plan Extension / Tamarac Daycare / Justification Statement

Justification Statement

As the Owner/Agent for the property located at 7830 North University Drive, Tamarac, Florida, I respectfully submit this request for a one-year extension to our currently approved Site Plan (Case No. 8-SP-20).

The previous extension was necessitated by the personal health issues of the then-operator. At the time, we anticipated the matter would be resolved within the prior extension period. However, due to ongoing health concerns, we were compelled to seek a new daycare operator for the site.

On and prior to October 25, 2024, we successfully identified a new operator and executed a lease agreement. Since then, our team, in collaboration with the new operator, began working through the financing qualification and approval process, which took several months and has now been completed. In light of earlier project delays, we have also used the past several months to update and re-bid the project with both existing and new trade partners. With financing secured, we have now reinitiated the submittal process.

We are therefore requesting a one-year extension to allow us to continue this process and proceed with the project's build-out.

The current Site Plan remains consistent with all permitted current and future land use regulations.

Should you require any additional information or documentation, please feel free to contact me at the number below.

Sincerely,



Brett E. Foster
F.P.Dino, Inc.
561-702-0441 Cell

Cc. (via Email): Frank Dino

TBO: 44

Return to:
City Attorney
CITY OF TAMARAC
7525 NW 88TH Avenue
Tamarac, Florida 33321-2401

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FINAL BOARD ORDER FOR DEVELOPMENT PERMIT

BEFORE THE PLANNING BOARD
CITY OF TAMARAC, FLORIDA
BO - 2021 -____

HEARING DATE: January 6, 2021
CASE NO. 8-SP-20

IN RE:	The Application of:	Tamarac Day Care
	Location:	7830 N University Drive, Tamarac, Florida
Property Identification Number:		494103150200
Property Legal Description:		LYONS COMMERCIAL SUBDIVSION NO 3 76-31 B LOT 20 BLK 11

ORDER APPROVING MAJOR SITE PLAN

Order granting Major Site Plan approval (with conditions) for Tamarac Day Care, to allow for the construction of a new 6,204 square foot childcare facility building and associated 2,750 square foot play area located at 7830 N University Drive (Case No. 8-SP-20).

Brett Foster, Officer of F.P. Dino, Inc., in which the Registered Agent of the Property Owner, 7830 University Development, LLC, is F.P. Dino, Inc., is requesting approval of a Major Site Plan allow for the development of the subject property, known as Lot 20, Block 11 on the Plat of Lyons Commercial Subdivision No. 3, to permit the construction of a new 6,204 square foot childcare facility building and associated 2,750 square foot play area located at 7830 N University Drive.

Notice of the request for Major Site Plan approval was given pursuant to Chapter 2, Article X and Chapter 10, Section 10-5.3(F) of the City of Tamarac Code of Ordinances. The Planning Board of the City of Tamarac ("Board") has identified that the property located at 7830 N University Drive, Tamarac, Florida (the "Property") is located in the MU-N, Mixed-Use Neighborhood Zoning District. Pursuant to Sections 2-369, 2-370, 10-5.3(G) and 10-5.4 (H) of the City of Tamarac Code of Ordinances, and following the consideration of all testimony and evidence presented at the hearing on January 6, 2021, the Board finds as follows:

a) That the Site Plan will be consistent with the Comprehensive Plan.

b) That the Site Plan will comply with applicable district, use, and development standards in the City of Tamarac Code of Ordinances.

c) That the Applicant will comply with all requirements and conditions of approval.

Pursuant to the authority contained in Sections 2-369, 2-370, 10-5.3(G) and 10-5.4 (H) of the City of Tamarac Code of Ordinances, the Applicant's request for Major Site Plan Approval to permit the construction of to permit the construction of a new 6,204 square foot childcare facility building and associated 2,750 square foot play area located at 7830 N University Drive is hereby **APPROVED** subject to the following conditions:

1. New Development Site Plan approval is contingent upon approval of the requested special exception for Tamarac Day Care, Case #2-Z-20.
2. Construction is to be in complete compliance with the plans and specifications submitted by the developer to the City of Tamarac and approved engineering drawings.
3. Site plan approval shall be void one (1) year after the date of approval unless a building permit has been issued for the construction of all facilities provided in the site plan and construction is diligently pursued.
4. The Development Order is assignable, but assignment does not discharge any assignee from strict compliance with the order unless the Planning Board consents to modify any of the original requirements.
5. Satisfaction of the minor outstanding Development Review Committee comments from the review of the New Development Site Plan for Tamarac Day Care, Case #8-SP-20.

[INTENTIONALLY LEFT BLANK]

This document shall be recorded in the public records of Broward County, Florida.

DONE and ORDERED this 27th day of January, 2021, in Tamarac, Florida.

PLANNING BOARD
CITY OF TAMARAC, FLORIDA

By: _____
Nikole Cleare BOARD CHAIR (Vice)

ATTEST:

_____
Collette Tibby, Administrative Coordinator

STATE OF FLORIDA)
) §§
COUNTY OF BROWARD)

I hereby certify that on this day, before me, appeared Planning Board Vice Chairperson, Nikole Cleare, to me personally known, who acknowledged that she is the Chair of the City of Tamarac ("City") Planning Board, a Florida municipal corporation, and that this instrument was signed for the purposes contained on behalf of the City and by the authority of the City, and that she further acknowledges the instrument to be the free act and deed of the Board.

Sworn to and subscribed before me this 27th day of January, 2021.

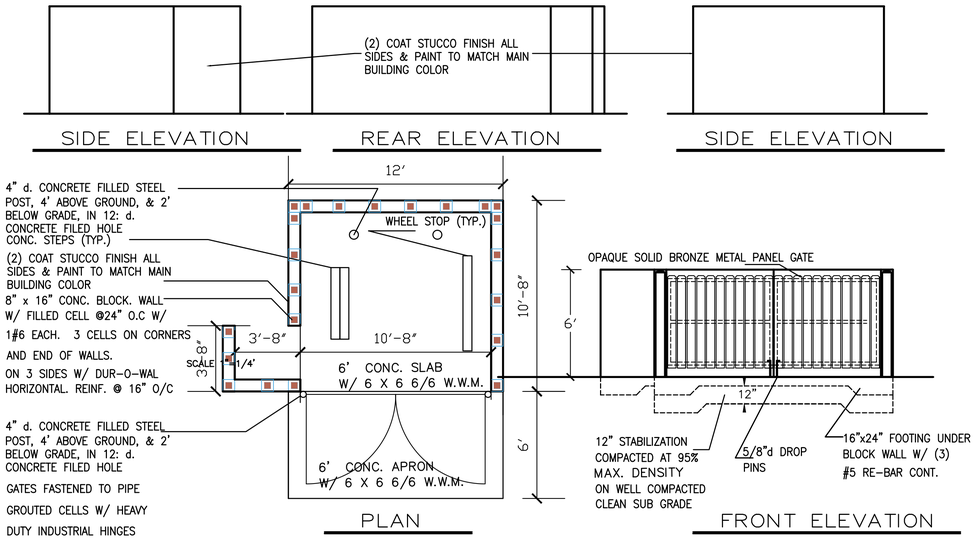
_____
NOTARY PUBLIC, STATE OF FLORIDA

My Commission Expires:

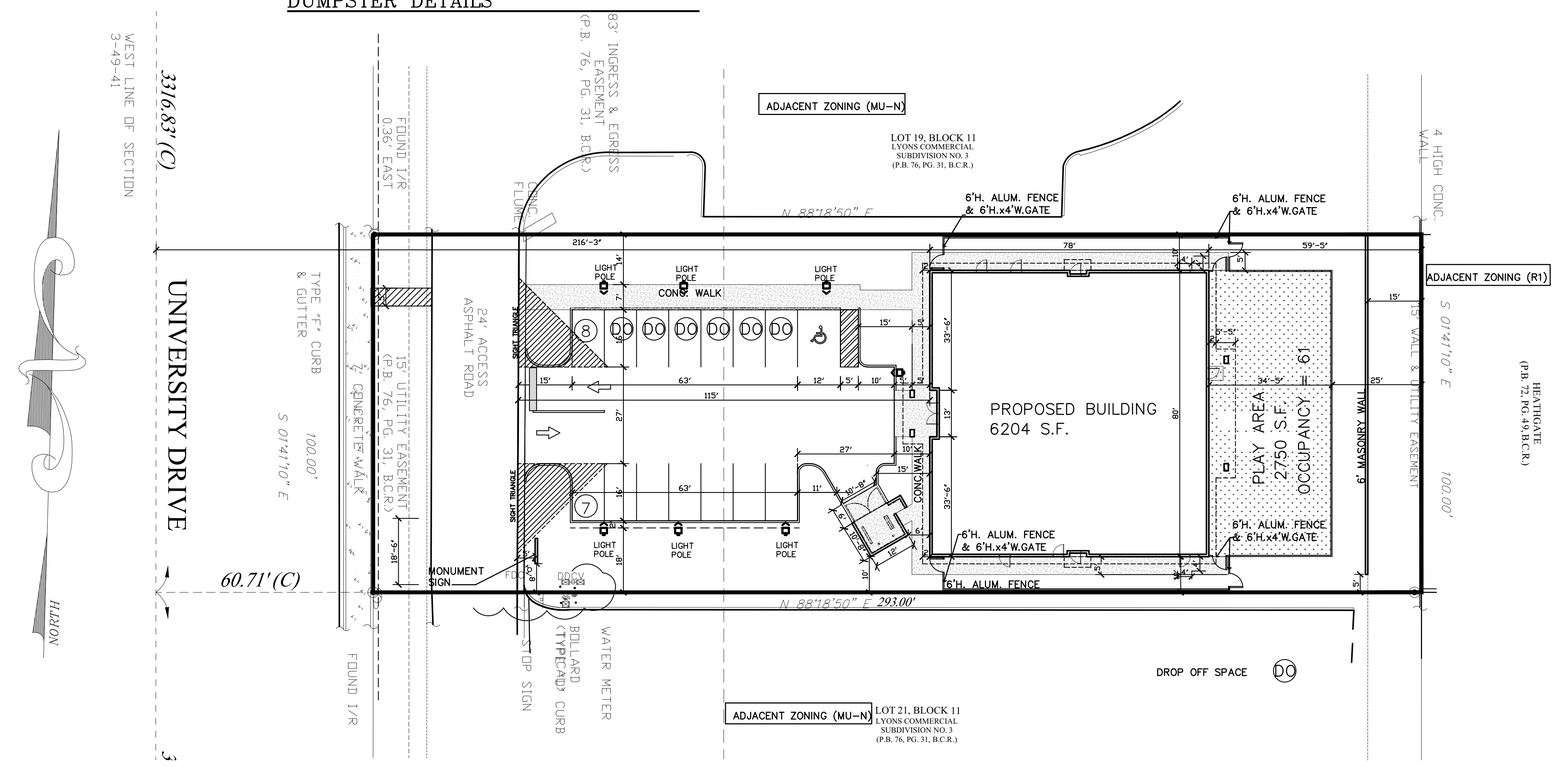
COLLETTE TIBBY
Notary Public - State of Florida
Commission # GG 921919
My Comm. Expires Oct 10, 2023
Bonded through National Notary Assn.

NOTES

1. THIS PROJECT WILL BE CONSTRUCTED IN WHOLE AS ONE STAGE
2. NO OUTDOOR PLAY ACTIVITIES AFTER 8:00 PM
3. NO TREES WITHIN 7 1/2' OF FIRE HYDRANT
4. ADDRESS WILL BE A MINIMUM OF 6" HIGH
5. ROOF DRAINAGE NOT TO FLOW OVER REAR OR FRONT SIDEWALKS OF BUILDINGS
6. ALL MECHANICAL EQUIPMENT IS LOCATED ON THE ROOF AND TO BE SCREENED AS PER CITY CODE. REFERENCE ARCHITECTURAL PLANS.
7. Emergency access roads shall be surfaced with solid pavement or similar surface approved by the AHJ That is designed to accommodate fire apparatus weighing min. 32 tons
8. NEW MONUMENT SIGN SHOWN FOR LOCATION PURPOSES ONLY. MONUMENT SIGN TO BE REVIEWED AND PERMITTED SEPARATELY
9. THE PROPERTY OWNER WILL BE RESPONSIBLE FOR MAINTENANCE OF THE ENTIRE PROPERTY

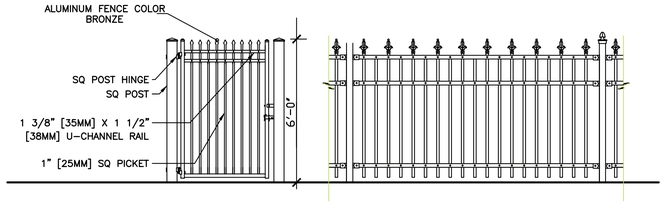


DUMPSTER DETAILS

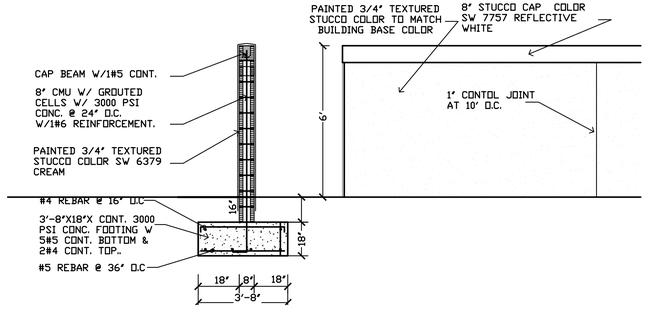


0 10' 20' 40'
SCALE 1"=20'

SITE PLAN
SCALE 1"=20'

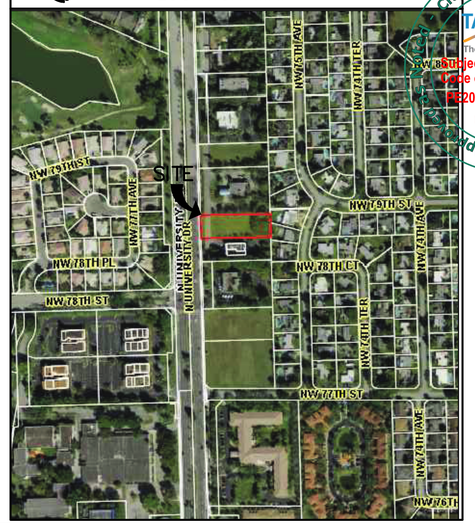


ALUMINUM FENCE & GATE DETAIL
SCALE N.T.S.



MASONRY WALL DETAIL
SCALE N.T.S.

LOCATION MAP
N.T.S.



LEGAL DESCRIPTION

LOT 20, BLOCK 11, LYONS COMMERCIAL SUBDIVISION NO. 3, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 76, PAGE 31, OF THE PUBLIC RECORDS OF

SAID LANDS SITUATE, LYING AND BEING IN BROWARD COUNTY, FLORIDA. CONTAINING BROWARD COUNTY, FLORIDA. ACRES) MORE OR LESS.

SITE DATA

SCOPE OF WORK:

CONSTRUCT A 6204 SQUARE FEET CHILD CARE FACILITY

SITE DATA	SQ. FT.	ACRE	% OF LAND
GROSS SITE AREA	29,300	0.67	100%
NET SITE AREA	25,266	0.58	100%
EXISTING ZONING	MU-N: MIXED-USE NEIGHBORHOOD		
CURRENT LAND USE DESIGNATION	COMMERCIAL		

SITE DATA	SQ. FT.	% OF LAND
TOTAL SQUARE FOOTAGE GROUND COVERED BY BUILDINGS.	6,204.0	24.6%
TOTAL SQUARE FOOTAGE ROOF AREA. (MAX.ALLOWED 40%)	7,175.0	28.4%
TOTAL SQUARE FOOTAGE of WALKS & SLABS	1,955.0	7%
TOTAL PAVED PARKING AND DRIVEWAYS	5,440.0	20.9%
TOTAL LANDSCAPE AREA	11,667.0	46.2%
TOTAL AREA	25,266.0	100.0%
PERVIOUS	11,667.0	46.2%
IMPERVIOUS	13,599.0	53.8%
TOTAL	25,266.0	100.0%

BUILDING AREA DATA	1st STORY S.F		TOTAL AREA SF
TOTAL BUILDING AREA (SQ. FT.)	6204	0	6204
FLOOR AREA RATIO MAX. NET AREA 40%			24.6%

SET BACKS	MIN.(FT.)	PROVIDED
STREET YARD (WEST) 125' FROM UNIVERSITY DR. CENTER LINE	125'	212'-3"
FRONT YARD (WEST)	25'	115'
SIDE (NORTH)	10'	10'
SIDE (SOUTH)	10'	10'
REAR (EAST)	25'	59'-5"
PLAY AREA SET BACK	25'	25'
BUILDING HEIGHT	**MAX.(FT.)**	**PROVIDED (FT.)**
BUILDING (1)	40' (3 Stories)	20'-0" (1 Story)
PARKING CALCULATIONS		**Parking Required**
1.0 SPACE PER 325 SF OF LICENSED PRIMARY INDOOR SPACE (4225/325=13)		13
(1) DROP OFF SPACES PER 20 STUDENTS = 120 STUDENTS/20		6.0
TOTAL NUMBER OF PARKING SPACES REQUIRED		**13**
TOTAL NUMBER OF PARKING PROVIDED		**15**
TOTAL H.C PARKING SPACES PROVIDED		**1**

City of Tamarac
TAMARAC
The City Beautiful
Subject to all Tamarac Code of Ordinances
#2020-10000063
06/13/22
APPROVED - SEE CONDITIONS
ALL IDEAS, DESIGNS, ARRANGEMENTS AND PLANS INDICATED OR REPRESENTED BY THIS DRAWING ARE OWNED BY AND THE PROPERTY OF THE ARCHITECT AND WERE CREATED AND DEVELOPED FOR USE ON, AND IN CONNECTION WITH THE SPECIFIED PROJECT AND NONE OF SUCH IDEAS, DESIGNS, ARRANGEMENTS OR PLANS SHALL BE USED BY OR DISCLOSED TO ANY PERSON, FIRM OR CORPORATION FOR ANY PURPOSE WHATSOEVER WITHOUT THE WRITTEN PERMISSION OF THE ARCHITECT. VISUAL CONTACT WITH THESE PLANS SHALL CONSTITUTE PRIMA FACIE EVIDENCE OF ACCEPTANCE OF THESE RESTRICTIONS. DO NOT SCALE DRAWINGS. CONTRACTOR SHALL VERIFY AND BE RESPONSIBLE FOR ALL DIMENSIONS AND CONDITIONS ON THE JOB AND THIS OFFICE MUST BE NOTIFIED OF ANY VARIATIONS FROM THE DIMENSIONS AND CONDITIONS AS SHOWN ON THESE DRAWINGS

Innovative Group Inc.
Architecture Planning Interior Design
AA 0003588 IB0001293
480 S. CYPRESS RD. SUITE#100
POMPANO BEACH, FL 33064
TEL.954-785-1314 FAX 954-785-1315
Salah H. Elroweny , AIA. AR 0017516

TAMARAC DAY CARE
7830 N. UNIVERSITY DRIVE
TAMARAC, FLORIDA 33321

Revisions:	Date
REV. #1 AS PER	0/0/20

Salah Elroweny
Digitally signed by Salah Elroweny
Date: 2022.05.19 13:00:35 -04'00'

IG No: 20101
Design: SF
Drawn by: JM
Checked: SF
Date: 4/01/2020

SCALE 1"=20'

SHEET
SP-1
1 OF 1 SHEETS

08/24/2021 (4) SUBMITTAL

TAMARAC
The City For Your Life

COMMUNITY DEVELOPMENT DEPARTMENT
Maxine A. Calloway, Esq., AICP
Director

June 13, 2022

Brett Foster
F.P.Dino, Inc.,
2234 N. Federal Hwy. #470
Boca Raton, FL 33431

Re: Case No. 8-SP-20
Tamarac Day Care SP

Dear Brett Foster,

This is to inform you that your application has been approved. An electronic copy of the approved site plan is available for download in the Electronic Plan Review system in the Approved folder.

Conditions of Approval from the Public Services Department:
Prior to engineering permitting approval the following items shall be provided.

1. Provide applicable BCEPD-SFWMD permit approval.
2. Provide BC-DEP permit for Sewer Transmission System.
3. Provide Health Department permit for Water Distribution System.
4. Any required MOT.
5. Provide drainage calculations and report
6. A blanket Public safety Ingress-Egress easement agreement must be executed prior to the issuance of an engineering permit.
7. Provide a Certified Cost Estimate for approval by the City Engineers office.
8. Performance bond for public improvements in the City approved format.
9. Water and Sewer Developers Agreement shall be provided for DRC and Commission Approval.
10. Provide shop drawing for review and approval
11. Provide NOI (Notice of Intent) as submitted to DEP for Construction Stormwater Discharge
12. Submit Broward County Tree removal permit
13. Provide SFWMD irrigation permit if applicable
14. FDOT permit if applicable

Additionally, please see the enclosed Parkside Site Plan Major - City of Tamarac TBO: 44.

You may now apply for the relevant Building Permit(s).

Should you have any questions, please do not hesitate to contact me at (954) 597-3530.

Sincerely,

Maxine Calloway
Community Development Director

MC/cg
2206001L

Instr# 117015357 , Page 1 of 3, Recorded 01/27/2021 at 11:02 AM
Broward County Commission

TBO: 44

Return to:
City Attorney
CITY OF TAMARAC
7525 NW 88TH Avenue
Tamarac, Florida 33321-2401

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FINAL BOARD ORDER FOR DEVELOPMENT PERMIT

BEFORE THE PLANNING BOARD
CITY OF TAMARAC, FLORIDA
BO - 2021 -____

HEARING DATE: January 6, 2021
CASE NO. 8-SP-20

IN RE:	The Application of:	Tamarac Day Care
	Location:	7830 N University Drive, Tamarac, Florida
Property Identification Number:		494103150200
Property Legal Description:		LYONS COMMERCIAL SUBDIVSION NO 3 76-31 B LOT 20 BLK 11

ORDER APPROVING MAJOR SITE PLAN

Order granting Major Site Plan approval (with conditions) for Tamarac Day Care, to allow for the construction of a new 6,204 square foot childcare facility building and associated 2,750 square foot play area located at 7830 N University Drive (Case No. 8-SP-20).

Brett Foster, Officer of F.P. Dino, Inc., in which the Registered Agent of the Property Owner, 7830 University Development, LLC, is F.P. Dino, Inc., is requesting approval of a Major Site Plan allow for the development of the subject property, known as Lot 20, Block 11 on the Plat of Lyons Commercial Subdivision No. 3, to permit the construction of a new 6,204 square foot childcare facility building and associated 2,750 square foot play area located at 7830 N University Drive.

Notice of the request for Major Site Plan approval was given pursuant to Chapter 2, Article X and Chapter 10, Section 10-5.3(F) of the City of Tamarac Code of Ordinances. The Planning Board of the City of Tamarac ("Board") has identified that the property located at 7830 N University Drive, Tamarac, Florida (the "Property") is located in the MU-N, Mixed-Use Neighborhood Zoning District. Pursuant to Sections 2-369, 2-370, 10-5.3(G) and 10-5.4 (H) of the City of Tamarac Code of Ordinances, and following the consideration of all testimony and evidence presented at the hearing on January 6, 2021, the Board finds as follows:

a) That the Site Plan will be consistent with the Comprehensive Plan.

b) That the Site Plan will comply with applicable district, use, and development standards in the City of Tamarac Code of Ordinances.

c) That the Applicant will comply with all requirements and conditions of approval.

Pursuant to the authority contained in Sections 2-369, 2-370, 10-5.3(G) and 10-5.4 (H) of the City of Tamarac Code of Ordinances, the Applicant's request for Major Site Plan Approval to permit the construction of to permit the construction of a new 6,204 square foot childcare facility building and associated 2,750 square foot play area located at 7830 N University Drive is hereby **APPROVED** subject to the following conditions:

1. New Development Site Plan approval is contingent upon approval of the requested special exception for Tamarac Day Care, Case #2-Z-20.
2. Construction is to be in complete compliance with the plans and specifications submitted by the developer to the City of Tamarac and approved engineering drawings.
3. Site plan approval shall be void one (1) year after the date of approval unless a building permit has been issued for the construction of all facilities provided in the site plan and construction is diligently pursued.
4. The Development Order is assignable, but assignment does not discharge any assignee from strict compliance with the order unless the Planning Board consents to modify any of the original requirements.
5. Satisfaction of the minor outstanding Development Review Committee comments from the review of the New Development Site Plan for Tamarac Day Care, Case #8-SP-20.

[INTENTIONALLY LEFT BLANK]

This document shall be recorded in the public records of Broward County, Florida.

DONE and ORDERED this 27th day of January, 2021, in Tamarac, Florida.

PLANNING BOARD
CITY OF TAMARAC, FLORIDA

By: _____
Nikole Cleare BOARD CHAIR (Vice)

ATTEST:

_____
Collette Tibby, Administrative Coordinator

STATE OF FLORIDA)
) §§
COUNTY OF BROWARD)

I hereby certify that on this day, before me, appeared Planning Board Vice Chairperson, Nikole Cleare, to me personally known, who acknowledged that she is the Chair of the City of Tamarac ("City") Planning Board, a Florida municipal corporation, and that this instrument was signed for the purposes contained on behalf of the City and by the authority of the City, and that she further acknowledges the instrument to be the free act and deed of the Board.

Sworn to and subscribed before me this 27th day of January, 2021.

_____
NOTARY PUBLIC, STATE OF FLORIDA

My Commission Expires:

COLLETTE TIBBY
Notary Public - State of Florida
Commission # GG 921919
My Comm. Expires Oct 10, 2023
Bonded through National Notary Assn.

F. P. Dino, Inc. A Florida Corporation
2234 North Federal Highway • Suite 470 • Boca Raton, FL 3343
561-278-2785 • fax 561-276-4285 • www.fpdino.com

June 9th, 2023

Robert Johnson
Tamarac Community Development
7525 NW 88th Ave
Tamarac, FL 33321

VIA: FedEx

RE: Site Plan Extension / Tamarac Daycare / Justification Statement

Justification Statement

Serving as Owner/Agent for the property located at; 7830 North University Drive, Tamarac, Florida, I am respectfully requesting a one year extension to our currently approved Site Plan. (Case No. 8-SP-20)

Following prior Site Plan approval, we have submitted Building Plans for review. They remain as primarily addressed toward approval, pending certain City and County processes.

The cause for this "Extension" request is due to personal health issues of the operator.

We do expect that this situation should be rectified within the following requested extension period, and look forward to positive actions toward property development.

Our current Site Plan remains consistent with permitted current and future land use.

If additional information is required, please do not hesitate to contact me at the number below.

Sincerely,

Brett E. Foster

Brett E. Foster
F.P.Dino, Inc.
561-702-0441 Cell

Cc. (via Email): Frank Dino

TAMARAC
The City For Your Life

Maxine A. Calloway, Esq. AICP
Assistant City Manager
Director of Community Development

June 22, 2023

Brett Foster
F.P. Dino, Inc.,
2234 N. Federal Hwy. #470
Boca Raton, FL 33431

Re: Case No. 7-SP-23
Site Plan Extension - Tamarac Day Care SP

Dear Brett Foster,

This is to inform you that your application for a Twelve (12) months Site Plan Extension for the Tamarac Day Care SP has been approved, effective June 13, 2023.

The original Conditions of Approval, as prescribed in our letter of June 13, 2022, remain in effect, and are listed below.

Conditions of Approval from the Public Services Department:

Prior to engineering permitting approval the following items shall be provided.

1. Provide applicable BCEPD-SFWMD permit approval.
2. Provide BC-DEP permit for Sewer Transmission System.
3. Provide Health Department permit for Water Distribution System.
4. Any required MOT.
5. Provide drainage calculations and report
6. A blanket Public safety Ingress-Egress easement agreement must be executed prior to the issuance of an engineering permit.
7. Provide a Certified Cost Estimate for approval by the City Engineers office.
8. Performance bond for public improvements in the City approved format.
9. Water and Sewer Developers Agreement shall be provided for DRC and Commission Approval.
10. Provide shop drawing for review and approval
11. Provide NOI (Notice of Intent) as submitted to DEP for Construction Stormwater Discharge
12. Submit Broward County Tree removal permit
13. Provide SFWMD irrigation permit if applicable
14. FOOT permit if applicable

Should you have any questions, please do not hesitate to contact me at (954) 597-3530.

Sincerely,

Maxine Calloway
Community Development Director

Instr# 119668132 , Page 1 of 3, Recorded 07/03/2024 at 04:50 PM
Broward County Commission

TBO#: 90

Return to:
City Attorney
CITY OF TAMARAC
7525 NW 88TH Avenue
Tamarac, Florida 33321-2401

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FINAL BOARD ORDER FOR DEVELOPMENT PERMIT

BEFORE THE PLANNING BOARD
CITY OF TAMARAC, FLORIDA
BO - 2024 - 05

HEARING DATE: July 3, 2024
CASE NO. 1-SP-20

IN RE:	The Application of:	Tamarac Day Care
	Location:	7830 N University Drive, Tamarac, Florida
Property Identification Number:		494103150200
Property Legal Description:		LYONS COMMERCIAL SUBDIVSION NO 3 76-31 B LOT 20 BLK 11

FINAL ORDER APPROVING SITE PLAN EXTENSION

Order granting Site Plan Extension for Tamarac Day Care, to allow for an additional twelve (12) month extension of the Major Site Plan approval (with conditions) for the construction of a new 6,204 square foot childcare facility building and associated 2,750 square foot play area located at 7830 N University Drive (Case No. 8-SP-20).

Brett Foster, Officer of F.P. Dino, Inc., Registered Agent of the Property Owner, 7830 University Development, LLC, is requesting approval of a Site Plan Extension to continue the development of the subject property, known as Lot 20, Block 11 on the Plat of Lyons Commercial Subdivision No. 3, for the construction of a new 6,204 square foot childcare facility building and associated 2,750 square foot play area located at 7830 N University Drive.

The City of Tamarac has identified that the property located at 7830 N University Drive,

Tamarac, Florida (the "Property") is located in the MU-N, Mixed-Use Neighborhood Zoning District.

Pursuant to the authority contained in Sections 10-5.3(J)(3)(b)(ii) of the City of Tamarac Code of Ordinances, the Applicant's request for Site Plan Extension to allow for an additional twelve (12) month extension of the Major Site Plan approval (with conditions) for the construction of a new 6,204 square foot childcare facility building and associated 2,750 square foot play area located at 7830 N University Drive is hereby **APPROVED** subject to the following condition:

1. Major Site Plan approval (with conditions) for Tamarac Day Care, Case #2-Z-20, is extended twelve (12) months, effective June 13, 2025.

[INTENTIONALLY LEFT BLANK]

This document shall be recorded in the public records of Broward County, Florida.

DONE and ORDERED this 3rd day of July, 2024, in Tamarac, Florida.

PLANNING BOARD
CITY OF TAMARAC, FLORIDA

By: _____
Nikole Cleare- BOARD CHAIR

ATTEST:

_____
Collette Tibby, Administrative Coordinator

STATE OF FLORIDA)
) §§
COUNTY OF BROWARD)

I hereby certify that on this day, before me, appeared Planning Board ___ Chairperson, Nikole Cleare, to me personally known, who acknowledged that she is the Chair of the City of Tamarac ("City") Planning Board, a Florida municipal corporation, and that this instrument was signed for the purposes contained on behalf of the City and by the authority of the City, and that she further acknowledges the instrument to be the free act and deed of the Board.

Sworn to and subscribed before me this 3rd day of July, 2024.

_____
NOTARY PUBLIC, STATE OF FLORIDA

My Commission Expires:

COLLETTE TIBBY NOTARY PUBLIC MY COMMISSION EXPIRES 10-10-2027 STATE OF FLORIDA COMMISSION NUMBER HH 409566

TAMARAC
The City For Your Life

PLANNING BOARD AGENDA ITEM REPORT

DATE: August 13, 2025

SUBMITTED BY: Collette Tibby

ITEM TYPE: Other

AGENDA SECTION: **Director's Report**

TITLE: Election of Planning Board Chair and Vice Chair

RECOMMENDATION: Members:

- Alexandra Alvarez
- Sajeen Bell-Clark
- Nikole Cleare
- Mara English
- Jacques R. Moise

(Each member will speak for 2 minutes of less)

ATTACHMENTS: