

CITY OF TAMARAC, FLORIDA

ORDINANCE NO. 2021 - 005

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF TAMARAC, FLORIDA, AMENDING CHAPTER 10 OF THE CITY OF TAMARAC CODE OF ORDINANCES, ENTITLED "LAND DEVELOPMENT CODE" BY AMENDING ARTICLE 2, ENTITLED "ZONING DISTRICTS" SPECIFICALLY AMENDING SECTION 10-10-2.7(C), ENTITLED "WOODLANDS OVERLAY DISTRICT", BY STRIKING THE PAINT APPROVAL AUTHORITY GRANTED TO THE CITY UNDER SECTION 10-2.7(C)(7), ENTITLED "EXTERIOR COLORS FOR SINGLE-FAMILY DWELLINGS" AS SAME IS NOW WITHIN THE PURVIEW OF THE WOODLANDS HOME OWNERS ASSOCIATION ("WHOA"); PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the purpose and intent of the Woodlands Overlay District is to create and establish specific regulations in addition to those requirements contained within the City Code of Ordinances that will serve to preserve the neighborhood character, promote its high quality and appearance, maintain property values and protect the public health, safety and welfare; and

WHEREAS, the Woodlands Overlay District is not only intended to provide guidelines to ensure the preservation of the Woodlands community's visual integrity, but to also ensure that every property is maintained in accordance with the community standards; and

WHEREAS, the Woodlands Overlay District is intended to protect the existing aesthetics of the Woodlands community to ensure high-quality development compatible with the surrounding existing development; and

WHEREAS, in order to preserve the neighborhood appearance of the community, an established color scheme was approved and modified by resolution of the City

Commission referred to as the "Woodlands Color Palette"; and

WHEREAS, the property applied to the building and code compliance department for a no cost paint permit that was reviewed for consistency with the "Woodlands Color Palette"; and

WHEREAS, the Woodlands Homeowners Association has requested the approval of Exterior Colors for Single-Family Dwellings within the area regulated by the Woodlands Overlay District be stricken from the authority of the City Commission, Building and Code Compliance Departments granted by the City of Tamarac Code of Ordinances; and

WHEREAS, the Woodlands Homeowners Association has requested the striking of the "Woodlands Color Palette" and no cost paint permit from the approval and modification by resolution of the City Commission and application to the Building and Code Compliance Department, respectively, from the City of Tamarac Code of Ordinances; and

WHEREAS, in keeping with the purpose and intent of the Woodlands Overlay District, the Woodlands Homeowners Association, through the Architectural Control Committee, has the ability and intends to require painting from a list of approved colors for single-family dwellings within the Woodlands Homeowners Association, establish a color scheme for single-family dwellings within the Woodlands Homeowners Association, and review painting of single-family dwellings within the Woodlands Homeowners Association for consistency with an established color scheme of the Woodlands Homeowners Association; and

WHEREAS, the Director of Community Development recommends approval of the ordinance amendment.

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

**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.** The City Commission hereby amends Chapter 10, Article 2, entitled "Zoning Districts" specifically amending Section 10-10-2.7(C), entitled "Woodlands Overlay District", by striking Section 10-2.7(C)(7), entitled "Exterior Colors for Single-Family Dwellings" so that the Code shall read as follows:

**10-2.7 - Overlay Zoning Districts**

**(C) Woodlands Overlay District**

(1) **General Purpose of Woodlands Overlay District.** The purpose and intent of the Woodlands Overlay District is to create and establish specific regulations in addition to those requirements contained within the City Code of Ordinances that will serve to preserve the neighborhood character, promote its high quality and appearance, maintain property values and protect the public health, safety and welfare. The overlay district is not only intended to provide guidelines to ensure the preservation of the Woodlands community's visual integrity, but to also ensure that every property is maintained in accordance with the community standards.

(2) **Woodlands Overlay (WO) District Established.** The WO district is intended to protect the existing aesthetics of the Woodlands community to ensure high-quality development compatible with the surrounding existing development.

(3) **Sunset and Termination of Overlay District.** This section shall sunset and the Woodlands Overlay District shall be terminated ~~three~~ seven years (2025) after the effective date of this Code, unless, prior to the sunset date, the City Commission shall pass legislation to extend or repeal the district.

(4) **General Maintenance Standards.** Residential properties shall be protected from the negative impacts of noise, illumination, unsightliness, odors, dust, dirt, smoke, and other objectionable influences. Maintenance of premises shall be subject to the City's Code. Minimum standards to ensure maintenance of premises are as follows, along with the following conditions:

(a) All properties shall be kept in a clean and sanitary condition free of rubbish, trash, garbage, ground surface hazards, including but not limited to broken glass, dangerous projections and objects.

(b) No animals, livestock, or poultry of any kind shall be raised, bred, or kept on any lot. Dogs, cats, or other household pets may be kept, provided they are not kept, bred, or maintained for any commercial purposes.

(c) Fences are permitted only when the fence will be used as a safety barrier to enclose a pool. Fences shall be constructed out of a non-porous material (specifically metal, aluminum, or plastic) and shall be painted black, dark green, white, or bronze in color and hidden from view with a continuous hedge. The property owner shall receive all required permits from the City prior to the installation.

(d) Hedges are permitted and shall be maintained uniformly at a height not to exceed six feet and so as not to obstruct a neighboring property owner's view of the golf course or water bodies.

(e) Refuse containers shall be maintained in good condition and completely screened from view from the adjacent right-of-way. The only exception to this regulation is when the refuse containers are placed for pickup which shall be no earlier than 7:00 pm the evening before on the day of actual pickup and removed no later than 11:00 pm the evening of pickup.

(f) All gas and oil tanks must be placed and maintained below ground level or in walled-in areas so as not to be visible from adjacent properties

(g) Air conditioning or other mechanical equipment placed in any front, side or rear yard shall be screened or walled in so as not to be visible from the public rights-of-way and shall not be placed on the roof of any building or structure unless such air conditioning

or mechanical equipment is completely screened or walled in so as not to be visible from the public rights-of-way or adjoining properties.

(h) Any telecommunications tower and/or antenna located within the Woodlands community shall comply with all federal, state, and local laws, ordinances and regulations.

(i) Permanent and/or temporary signs shall not be erected or displayed upon any properties within the Woodlands. Exceptions:

- (i) Political signs, which shall conform to Section 10-4.10, Signs.
- (ii) Security/protective agency signs, which shall be located within five feet of the residence.
- (iii) Warning or hazard signs, which will be permitted to be located where the hazard may exist.
- (iv) Real estate signs, provided the signs are placed a minimum of 10 feet from the property line. Only one sign shall be permitted per property. The size of the sign shall be no larger than 15 inches in height, 24 inches in width. The top of the sign when measured from the ground (where the sign is installed) shall not exceed 36 inches in height.

- (v) Open house signs, which shall be permitted on weekends only when the subject property is staffed by a realtor or the homeowner. The size of the sign shall be no larger than 15 inches in height, 24 inches in width. The top of the sign when measured from the ground (where the sign is installed) shall not exceed 36 inches in height.
- (vi) House identification signs, which shall be attached to the residence, be no larger than 12 inches by 15 inches and include no more than the homeowner's name and/or address.

(j) Exterior surfaces of all buildings and structures including but not limited to roofs, walls, soffits, siding, fascia, and vehicular use areas shall be kept free of dirt, grime, mold, and mildew. Such surfaces shall also be kept free of faded or chipped paint and shall be maintained in good repair and condition. Such surfaces shall be repainted, recovered, or cleaned when 10 percent or more of the exposed surface area does not meet the standards set forth herein.

**(5) Carports, Garages, Parking, and Storage**

(a) The parking, storage, or movement of motor vehicles except in approved vehicle use areas is prohibited. Exceptions include golf carts which shall be permitted to move over pervious areas to get to and from the golf course or vehicle use areas.

(b) Only private use vehicles are permitted to be parked or stored overnight where visible from the public rights-of-way or abutting property. All other types of vehicles including but not limited to heavy trucks and commercial vehicles are prohibited from being parked or stored overnight where it is visible from the public rights-of-way or abutting property.

(c) Vehicle use areas shall be constructed of asphalt pavement, brick pavers, concrete, stamp concrete, cast in place stone or of a similar material which provides equivalent durability, aesthetic appearance, and maintainability. Any modification to an existing vehicular use area shall receive all required permits from the city prior to construction.

(d) Carports are for the purpose of storing private use vehicles and trucks only. General storage of personal belongings and other commodities within the confines of the carport visible from the abutting rights-of-way are prohibited. Carports shall be maintained so that there is no accumulation of junk, trash, and debris.

(e) Garage doors shall be kept in the down position at all times when the garage is not in use by the resident.

(6) Buildings, Additions, and Modifications. In order to assure that the quality of development within the community is maintained at a high standard, the following



requirements shall apply to construction of new residences and additions or changes to existing residences or properties:

(a) No residence shall be constructed containing a living area of less than 1,500 square feet.

(b) No docks, seawalls, boat landings, mooring posts or boathouses may be constructed without the property owner obtaining all permits.

~~(7) **Exterior Colors for Single-Family Dwellings.** In order to preserve the neighborhood appearance of the community, an established color scheme shall be approved and modified by resolution of the City Commission referred to as the "Woodlands Color Palette." Exterior colors for single-family dwellings are expressed in three categories: base building colors, accent colors and trim colors.~~

~~(a) The Director or designee shall keep the official "Woodlands Color Palette" on file for reference and enforcement.~~

~~(b) Should any exterior surface of a single-family dwelling within the community require painting, the property owner shall refer to the "Woodlands Color Palette" for the list of approved colors.~~

~~(c) The property shall then apply to the building and code compliance department for a no cost paint permit that will be reviewed for consistency with the "Woodlands Color Palette."~~

~~(d) The paint permit shall be valid for 60 calendar days from the date of issuance.~~

~~(e) Roof surfaces are not subject to these regulations unless the roofing material is painted. Roof surfaces comprised of shingles, tile, or aggregate with a factory installed color finish are not subject to these regulations. In the event that a roof surface is to be painted or repainted, only one color listed as a building base color or accent color shall be permitted, shall match a color used on the elevations of the structure, and shall not be subject to the percentage limitations within the City Code.~~

~~(f) The installation of gutters, downspouts, screen enclosures, hurricane shutters, lawn and patio furniture, children's play equipment, utility provider equipment and fences with factory installed color finishes shall not be subject to these regulations. In the event that any of these items are to be repainted, then only one color listed as a building base color, accent color or trim color shall be permitted. The color shall be either white or a color used on the elevations of the principal structure on the property and shall not be subject to the percentage limitations within the City Code.~~

~~(g) Exterior surfaces consisting of natural stone, wood or brick shall not be subject to these regulations unless such surface is painted.~~

~~(8)~~(7) **Landscaping and Screening.** In order to assure that the aesthetic appearance of the community is maintained, the following requirements shall apply with regard to maintenance of shrubbery and landscape materials:

(a) Homeowners must maintain healthy landscaping, to include spraying, watering, weeding, trimming, and fertilizing.

(b) All lot areas not covered by driveways, or other paved areas or structures shall be planted with lawn grass, ground cover or other appropriate landscape materials, free of weeds. Lawns shall be neatly maintained at a height of four inches or less.

(c) Modifications to existing landscape material (as defined herein) shall be of equivalent replacement.

(d) Landscape material shall not create pedestrian and/or motor vehicle hazards.

(e) The installation, removal and pruning of all trees and palms within the community shall be in accordance with the standards of Section 10-4.4, Landscaping and Tree Preservation. All other elements of landscaping shall be installed and maintained so as to meet all other applicable City Code requirements.

**SECTION 4. 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 5. 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 6. Severability.** Should any section, provision, paragraph, sentence, clause or 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.

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SECTION 7. Effective Date. This Ordinance shall become effective upon adoption.

PASSED, FIRST READING this 10<sup>th</sup> day of February, 2021.

PASSED, SECOND READING this 24 day of February, 2021.



MICHELLE J. GOMEZ,  
MAYOR

ATTEST

  
JENNIFER JOHNSON, CMC  
CITY CLERK

RECORD OF COMMISSION VOTE: 1<sup>ST</sup> Reading

MAYOR GOMEZ

YES

DIST 1: COMM. BOLTON

YES

DIST 2: COMM. GELIN

YES

DIST 3: V/M VILLALOBOS

YES

DIST 4: COMM. PLACKO

YES

RECORD OF COMMISSION VOTE: 2<sup>ND</sup> Reading

MAYOR GOMEZ

YES

DIST 1: COMM. BOLTON

YES

DIST 2: COMM. GELIN

YES

DIST 3: V/M VILLALOBOS

YES

DIST 4: COMM. PLACKO

YES

I HEREBY CERTIFY that I  
have approved this  
ORDINANCE as to form.

  
HANS OTTINOT,  
INTERIM CITY ATTORNEY