

CITY OF TAMARAC, FLORIDA

ORDINANCE NO. 206-16

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF TAMARAC, FLORIDA AMENDING CHAPTER 9 OF THE CITY'S CODE OF ORDINANCES, ENTITLED "HEALTH, SANITATION AND NUISANCES" BY RECODIFYING ARTICLE IV, SECTIONS 9-130 THROUGH 9-135 AS CHAPTER 17, ARTICLE IV, TO BE ENTITLED "LOCAL HOUSING ASSISTANCE PROGRAM"; CREATING A NEW CHAPTER 9, ARTICLE IV TO BE ENTITLED "RESIDENTIAL AND NONRESIDENTIAL PROPERTY MAINTENANCE STANDARDS, CREATING A NEW SECTION 9-130 ENTITLED "RESIDENTIAL PROPERTY MAINTENANCE STANDARDS"; CREATING A NEW SECTION 9-131 ENTITLED NONRESIDENTIAL PROPERTY MAINTENANCE STANDARDS"; PROVIDING FOR DEFINITIONS; PROVIDING FOR MAINTENANCE STANDARDS; AND AMENDING CHAPTER 20, ARTICLE IV, SECTION 20-116 ENTITLED EXCEPTIONS, PROVIDING FOR CONSISTENCY; PROVIDING FOR EXCEPTIONS; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, at the recommendation of the City's professional staff, the City Commission seeks to restate and update the existing rules pertaining to residential and nonresidential property maintenance standards; and

WHEREAS, the City Commission seeks to establish reasonable rules related to the disposal and hauling of bulk waste; and

WHEREAS, the City Commission seeks to adopt a definition for the following: animal, bulk trash, car cover/tarp, graffiti, livestock, maintenance equipment and poultry; and

WHEREAS, the City Commission seeks to update rules and regulations related to residential property maintenance standards; and

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WHEREAS, the City Commission seeks to adopt rules and regulations specifically tailored to nonresidential properties; and

WHEREAS, the Director of Community Development finds that regulations governing residential and nonresidential property maintenance standards are consistent with the City's adopted Comprehensive Plan and recommends that the City Commission adopts the Ordinance; and

WHEREAS, the City Commission finds that residential and nonresidential property maintenance standards make the City a more desirable place to live, work and visit;

WHEREAS, the City Commission deems it to be in the best interest of the health, safety, general welfare of the citizens and residents of the City to restate and update existing rules pertaining to Residential and Nonresidential Property Maintenance Standards.

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. Chapter 9, Section 9-130 through 9-135, of the City's Code of Ordinances is recodified as Chapter 17, Article IV, Sections 17-59 through 17-64 to be entitled "Local Housing Assistance Program" as follows:

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Sec. 17-59 Definitions.

For the purposes of this article, the definitions contained in F.S. § 420.9071, as may be amended from time to time, are adopted herein by reference.

Sec. 17-60. – Legislative Intent.

The purposes of this article are to implement the Act, including, without limitations, the following:

- (1) To increase the availability of affordable housing by combining local resources and cost saving measures using a local housing partnership(s), as applicable, and by using private and public funds to reduce the cost of housing;
- (2) To promote more compact urban development, and to assist in achieving the growth management goals contained in the adopted local comprehensive plan by allowing more efficient use of land so as to provide housing units that are more affordable;
- (3) To establish a strong sense of community through increased social and economic integration;
- (4) To build the organizational and technical capacity of community-based organizations in the production of affordable housing;
- (5) To promote innovative design of eligible housing, and its supporting infrastructure, to provide for cost savings in the provision of such housing;
- (6) To promote expedited permit processing systems for affordable housing; and
- (7) To promote review procedures for plan provisions that impact affordable housing.

Sec. 17-61. – Establishment of local housing assistance program.

- (a) There is hereby created and established a local housing assistance program (the "program") by the city, to be implemented and administered by the city.
- (b) The city shall implement the program within the city, consistent with the requirements of the Act. The strategies of the program will be outlined in the city's SHIP housing assistance plan.

Sec. 17-62. – Establishment of affordable housing assistance trust.

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(a) Pursuant to the requirements of the Act, the city agrees to establish an affordable housing assistance trust fund (the "fund") within the official and fiscal accounting records of the city. All monies deposited in the fund shall be subject to the requirements of the Act and this article.

(b) The city shall cause the fund to be audited, and shall report the results of such audit as required by the Act.

Sec. 17-63 Establishment of affordable housing advisory committee.

Pursuant to the requirements of the State Housing Initiatives Partnership Act, the ("Act") there is hereby created and established an affordable housing advisory committee ("committee"). Composition of the committee shall be as required by the Act. Members of the committee shall be appointed by resolution.

Sec. 17-64 Review and approval of the affordable housing incentive plan.

(a) Pursuant to the requirements of the Act, within ninety (90) days of the receipt of the recommendations from the committee, the city commission shall adopt amendments to the local housing assistance plan that will be implemented in conformance with the requirements of the Act.

(b) Upon adoption of the incentive plan, the city shall forward, or cause to be forwarded, a copy of the adopted amendments to the appropriate agencies pursuant to the requirements of the Act.

SECTION 3. Chapter 9, Article IV, Sections 9-130 and 9-131 to be entitled "Residential and Nonresidential Property Maintenance Standards", of the City of Tamarac Code of Ordinances are created as follows:

Sec. 9-136 ~~Sec. 9-130. Neighborhood Beautification~~ Residential property maintenance standards.

- (a) *Intent and purpose.* The purpose and intent of this Article neighborhood beautification code is to create and establish specific regulations in addition to those requirements contained within this Code 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. This Article neighborhood beautification code is intended to provide guidelines to ensure the preservation of the community's visual integrity, as well as ensure that every property is maintained in accordance with the community standards.

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(b) *Implementation, interpretation and enforcement of regulations by city.* The city is hereby charged with implementation, interpretation and enforcement of the regulations as set forth in the ~~neighborhood beautification code~~ this Article.

(c) *Definitions.* For the purposes of this section, these terms shall have the following meaning:

(1) *Animal* means a living thing that is not a human being or a plant.

(2) *Bulk trash* is defined as follows:

(a) *Household goods.* Appliances, furniture, mattresses, box springs, toys, carpet, draperies, and other miscellaneous materials as are normally found in a residential household.

(b) *Horticultural material.* Trimmings from bushes, shrubs, and trees which do not exceed four (4) inches in diameter at the base or four (4) feet in length.

(c) *Building materials.* Wooden fence sections four (4) feet or less in height and length, wooden doors, sinks, commodes, small wood scraps, and other small building or repair materials.

(d) *Miscellaneous trash.* Bulk trash not previously defined that is of a household, noncommercial, nonindustrial and nonhazardous nature.

~~(e) *Construction and demolition debris.* Refuse generated from the construction, demolition, renovation, repair or alteration of any buildings or structures or any other refuse materials which normally result from land clearing or land development operations.~~

(3) ~~(1)~~ *Canopy* means a portable, non-permanent structure made typically of silk, cotton, canvas, fabric or similar pliable material intended to provide protection from the elements.

(4) *Car cover/tarp* means any plastic, nylon or canvas material used to cover or conceal.

(5) ~~(2)~~ *Carport* means permanent roofed structure providing space for the parking of a car, truck, recreational vehicle or motorcycle. A carport shall meet the building setbacks established in whatever zoning district it exists.

(6) ~~(3)~~ *City* means the City of Tamarac.

(7) ~~(4)~~ *City Code* means the City of Tamarac Code of Ordinances.

(8) ~~(5)~~ *Commercial vehicle* means any vehicle as defined in Chapter 14 Section 14-30 of the City of Tamarac Code of Ordinances. that by its design or use is utilized for any purpose intended to derive some form of compensation, whether monetary or otherwise. Outside lettering of any such vehicle designating a business shall be deemed conclusive for establishing commercial status. Such status shall not include governmental, law enforcement and emergency response vehicles, provided such vehicles otherwise meet the criteria for private use vehicles.

~~(9) (6)~~ *Community* means the various properties within the city.

~~(10) (7)~~ *Family* means one (1) or more persons related by blood, marriage or legal adoption occupying a single dwelling unit, having one (1) set of culinary facilities and living as a single housekeeping unit as distinguished from a group occupying a boarding or rooming house, hotel or motel. The definition of family may also include no more than two (2) additional, unrelated natural persons in addition to the above definition of family. Legal custodians of individuals who have not attained the age of eighteen (18) and those individuals shall be considered family members.

~~(11)~~ *Graffiti* as defined in Chapter 13, Section 13-5 of the City of Tamarac Code of Ordinances.

~~(12) (8)~~ *Ground cover* means low growing plants that, by the nature of their growth characteristics, completely cover the ground and do not usually exceed two (2) feet in height.

~~(9) Heavy truck~~ means any truck with a net weight of more than five thousand (5,000) pounds and is designed or used to transport goods other than that incidental to the personal effects of the owner.

~~(13) (10)~~ *Landscape material* means any of the following, or a combination thereof, including, but not limited to, grass, ground cover, shrubs, vines, hedges, trees or palms and other materials such as rocks, pebbles, sand, mulch; but not including paving.

~~(14) (11)~~ *Lawn/grass/sod/turf* means the upper layer of soil bound by grassy plant roots and covered by viable grass blades.

~~(15)~~ *Livestock* means farm animals (such as cows, horses, cattles, goats and pigs) that are kept, raised, and used by people.

~~(16)~~ *Maintenance equipment* means any machine, tool, or other instrument, used to maintain the interior or outside building and/or of a property.

~~(17) (12)~~ *Mulch* means an organic material such as wood chips, or bark placed on the soil to reduce evaporation, prevent erosion, control weeds, and enrich the soil and lower soil temperature. The use of heat-treated mulch obtained from *Melaleuca*, *eucalyptus*, or other invasive species is encouraged in order to reduce the impact on the environment and to preserve the remaining native plant communities. For this reason, the use of cypress mulch is strongly discouraged. Additional material utilized for mulch may include rocks, pebbles, sand or other materials generally utilized for the mulching of planting beds in the South Florida landscaping community.

~~(18) (13)~~ *Neighborhood* means a uniformly created subdivision.

~~(19) (14)~~ *Overnight* means the nighttime duration of time considered outside normal working hours; for the purposes of this Code Article that shall be between 9:00 p.m. and 6:00 a.m.

~~(20)~~ *Poultry* means birds such as roosters, hens, ducks, turkeys, geese.

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(21) ~~(15)~~ *Private use vehicle* means any vehicle where the primary use of the vehicle is for the transportation purposes of the owner/operator and that by the normal operation of such vehicle, there is no monetary compensation derived. Such vehicles shall be limited to passenger vehicles, including automobiles, motorcycles, golf carts and trucks.

~~(16) *Truck means any sport utility vehicle (SUV), van or pick-up truck with a net weight of five thousand (5,000) pounds or less and which is used primarily to transport goods incidental to the personal effects of the owner/operator, and not used to transport commercial goods.*~~

(22) ~~(17)~~ *Vehicle use areas* means all portions of platted lots and clubhouses used for the purpose of ingress, egress, parking, storage, loading and unloading of motor vehicles.

(d) *Permitted/prohibited uses and structures.*

(1) ~~Permitted uses and structures are as listed under article III, division[s] 2—5 of chapter 24 and article III, division 13 of chapter 24 entitled, "S-1 recreational district."~~ Use of lots platted for single family residential shall be restricted to the use of a single family, its household, servants and guests; family is defined herein. Use of lots platted for recreational shall be restricted to the use of outdoor sports and recreational activities (active and passive in nature).

(2) ~~Prohibited uses in the above referenced divisions of chapter 24 are considered any use not specifically enumerated under the zoning same districts as a permitted use within this Code. This would include the prohibition of any trade, business, profession or any other type of commercial activity. Prohibited uses and structures in the S-1 zoning district are specifically listed under article III, division 13 of chapter 24 entitled, "S-1 recreational district" of this Code.~~

(3) Structures accessory to the use of one (1) family may be erected provided such accessory buildings are clearly incidental to the main building, and do not accommodate an additional family. Accessory structure shall receive all required permits from the city prior to construction.

(4) A construction shed may be placed on a lot temporarily during the course of active construction of a residential ~~ee~~ building; otherwise, no portable buildings or trailers may be placed on a lot unless it has met the requirements enumerated within this Code. Temporary construction sheds shall receive all required permits from the city prior to installation.

(5) Utility sheds are only allowed if they have obtained the necessary permits and inspections as determined by the building department.

(e) *Minimum standards for maintenance of premises.* 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 this Code. Minimum standards to ensure maintenance of premises are as follows, along with the following conditions:

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- (1) 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.
- (2) 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.
- (3) Hedges are permitted and shall be maintained uniformly at a height not to exceed six (6) feet and so as not to obstruct a neighboring property owner's view. Residential properties that border commercial properties must maintain the hedge height not to exceed a maximum of eight (8) feet.
- (4) 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 p.m. the evening before on the day of actual pickup and removed no later than 11:00 p.m. the evening of pickup.
- (5) Bulk trash, as defined in section 9-130 (c) (2) above, will be placed and collected from the swale area of city residential properties as scheduled by the City. Bulk trash shall not be placed upon any swale area more than forty-eight (48) hours before the scheduled collection date, as may be updated from time to time. Bulk trash placed for pick up shall not exceed a total of four (4) cubic yards. Bulk trash placed upon the swale more than forty-eight (48) hours before a scheduled pick up date is a violation of this section.
- ~~(6)~~ (5)-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.
- ~~(7)~~ (6)-Air conditioning, ~~or other mechanical equipment~~ and maintenance 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.
- ~~(7)~~ ~~Any telecommunications tower and/or antenna shall comply with all federal, state and local laws, ordinances and regulations.~~
- (8) Permanent and/or temporary signs shall not be erected or displayed upon any residential properties within the city unless allowed specifically elsewhere in the Code.
- (9) Exceptions:
 - a. Political signs which shall conform to chapter 18 of this Code.
 - b. Security/protective agency signs which shall be located within five (5) feet of the residence.
 - c. Warning or hazard signs which will be permitted to be located where the hazard may exist.

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- d. House identification signs which shall be attached to the residence, be a minimum of four (4) inches but no larger than twelve (12) inches by fifteen (15) inches, be of a contrasting color and include no more than the homeowner's name and/or address.
- (10) All exterior surfaces of all buildings and structures including but not limited to roofs, walls, soffits, siding, fascias, doors, door and window frames, cornices, porches, screens, screen enclosures, trim, balconies, decks, fences 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 ~~ten (10) percent~~ twenty-five (25) percent or more of the exposed surface area of the subject elevation does not meet the standards set forth herein. Tarps placed on roof for protection shall be professionally and properly secured and free of rips and tears.
- (11) Walkways and landscape curbing, whether permanent or temporary in nature, shall be maintained in a neat and clean condition at all times.
- (12) Hurricane shutters and protective devices, installed on occupied buildings which impede required egress or required light and ventilation shall be removed within 15 days after the termination of such periods of time that had been designated by the National Weather Service as being a hurricane watch or warning.
- (f) *Carports, garages, parking and storage.*
- (1) Only private use vehicles are permitted to be parked or stored overnight where they would be visible from the public rights-of-way or abutting properties. All other types of vehicles including but not limited to heavy trucks and commercial vehicles can only be parked in accordance with Chapter 14, Section 14-30 of this Code ~~are prohibited from being parked or stored overnight where it is visible from the public rights-of-way or abutting properties.~~
- (2) Vehicle use areas shall be constructed of asphalt pavement, brick pavers, concrete, stamped 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.
- (3) All private vehicle use areas shall be maintained in a neat and clean condition. Additionally, vehicle use areas shall be maintained in good condition and good repair which shall include removal of all weeds, grass, ruts, potholes, broken pavement, faded stain or painted surfaces, and blacktop surfaces in need of recoating.
- (4) Carports/garages should be used ~~are~~ for the purpose of storing approved use vehicles only. General storage of personal belongings ~~All other storage~~ and ~~other commodities~~ within the confines of the carport/garage visible from the abutting rights-of-way are prohibited. Carports/garages shall be maintained so that there is no accumulation of trash and garbage.

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- (5) Portable canopies as herein defined, are not permitted to be used as a carport. Canopies are only allowed on a temporary basis (for parties, events, etc.) and should be removed immediately after completion of event. Tarps and car covers shall be professionally and properly secured and free of rips and tears.
- (6) Garage doors shall be kept in the down position at all times when the garage is not in use by the resident.

~~(g) 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:~~

- ~~(1) No docks, seawalls, boat landings, mooring posts or boathouses may be constructed without the property owner obtaining all necessary permits.~~

(g) (h) Landscaping and screening. In order to assure that the aesthetic appearances of the communities are maintained, the following requirements shall apply with regard to maintenance of shrubbery and landscape materials:

- (1) Homeowners must maintain healthy landscaping, to include spraying, watering, weeding, trimming and fertilizing.
- (2) 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 (4) inches or less.
- (3) Landscape material shall not create pedestrian and/or motor vehicle hazards.
- (4) All landscaped areas should be maintained or trimmed to prevent the blocking of doors and windows, as well as any public right-of-way.
- (5) ~~The installation, removal and pruning of all trees and palms within the community shall be in accordance with ANSI A-300 standards and chapter 11 of this Code. All other elements of landscaping shall be installed and maintained so as to meet all other applicable Code requirements.~~

(h) (i) Conflicts and appeals.

- (1) This article shall be liberally construed so as to effectively carry out the purpose hereof in the interest of the public health, safety and general welfare. The provisions of this article shall apply to the community in addition to the provisions of this Code. In the event of any conflict between the provisions of this article and any provision of this Code, the provision contained in this article shall prevail.
- (2) ~~The code enforcement board/~~special magistrate shall hear and decide appeals when it is alleged an error in any requirement, decision or determination has been made by the administrative official in the administration of this section. Any person aggrieved by the decision of the ~~code enforcement board/special~~ magistrate may appeal such decision to the circuit court.

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(i) ~~(j)~~ *Enforcement of violations.* This section shall be the minimum standard and shall be enforced by the code compliance division of the city along with the county sheriff's office. Violations of any of the regulations of this ordinance shall be heard in accordance with state statutes by the appropriate governing authority.

~~(k) *Nonconforming uses and structures.*~~

~~(1) *Existing nonconforming uses and structures not in violation.* Any lawful use of land or structure existing on April 1, 2008, and which by its terms has become a nonconforming use, is hereby declared not to be in violation of this chapter on such date. Such nonconforming use shall be subject to all of the provisions of this article pertaining to its continuance, change and discontinuance.~~

~~(2) *Continuance permitted if legal.* Any legal nonconforming use or structure may be continued.~~

~~(3) *Continuance.* Nothing in this article shall be interpreted as authorization for or approval of the continuation of the use of a structure, lot or premises in violation of any law or ordinance in effect on April 1, 2008.~~

~~(4) *Extensions.* The nonconforming use of a building may be extended throughout any part of a building clearly designed for such use but not so used as of April 1, 2008. Any nonconforming use which occupied a portion of a building not originally designed or intended for such use shall not be extended to any other part of the building. No nonconforming use shall be extended to occupy any land outside the building or any additional building on the same plot not used for such nonconforming use as of April 14, 2004. The nonconforming use of land shall not be extended to any additional land not so used as of such date.~~

~~(5) *Repairs, maintenance, improvements.* No structure utilized for a nonconforming use shall be enlarged, extended, reconstructed or structurally altered unless the use is changed to one which complies with the provisions of this article; provided, that repairs, maintenance and improvement may be carried out in any one (1) year in an amount not to exceed twenty five (25) percent of the assessed value of the structure for that year, and provided that such work does not increase the cubic content of the building nor the floor area devoted to the nonconforming use, or increase the number of dwelling units. Nothing in this article shall prevent compliance with applicable laws or resolutions relative to the safety and sanitation of a building occupied by a nonconforming use. If any nonconforming structure or building in which there is a nonconforming use is damaged by fire, flood, explosion, collapse, wind, war or other catastrophe to such an extent that the cost of rebuilding, repair and reconstruction will exceed seventy-five (75) percent of the replacement cost of the building or structure, it shall not be again used or reconstructed except in full conformity with the regulations of the district in which it is located.~~

~~(6) *Changes of non-conforming uses.*~~

~~a. In any residential district, any change of a nonconforming use in a conforming building shall be to a conforming use.~~

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b. ~~In any residential district, a nonconforming use in a nonconforming building shall be changed only to a use permitted in the particular residential district involved, except where there may be a change of tenancy, ownership or management of a nonconforming use provided there is no change in the nature of character or such nonconforming use, except as may be permitted by this article.~~

c. ~~Any change of a nonconforming use of land, except as incidental to a change of a nonconforming use of a nonconforming structure permitted and approved under this section, shall be to a conforming use.~~

~~(7) Effect of discontinuance, abandonment or change to non-conforming use. If for any reason a nonconforming use of land ceases or is discontinued for a period of more than sixty (60) days, the land shall not thereafter be used for a nonconforming use.~~

a. ~~If for any reason the nonconforming use of a building ceases or is discontinued for a period of one (1) year or more, the building shall not thereafter be used for a nonconforming use.~~

b. ~~Any part of a building, structure or land occupied by a nonconforming use, which use is abandoned, shall not again be occupied or used for a nonconforming use.~~

~~(8) Applicability to nonconforming uses created by changes in districts or district regulations. The provisions of this article shall also apply to buildings, structures, land, premises or uses which hereafter become nonconforming due to a change or a reclassification of district or become nonconforming due to a change in district regulations. Where a period of time is specified in this article for the removal or discontinuance of nonconforming buildings, structures or uses, such period shall be computed from the effective date of such reclassification or change of regulations.~~

~~(9) Applicability. The provisions of this article are intended to apply only to nonconforming uses and are not intended to apply to buildings and structures and their plots existing on April 1, 2008, which do not meet the regulations of this chapter for height, yards, plot, size, plot area, coverage, separation or other similar dimensional requirements or limitations. If the owner can provide the city with a survey dated on or prior to April 1, 2008 showing the nonconformity, a permit for extensions or alterations of a building or structure may be issued.~~

~~If a survey cannot be produced, the owner may apply to the planning board for a variance, which variance must be granted before any permit may be issued. Any additions, extensions or alterations to such proven existing buildings or structures shall comply with all applicable provisions of this chapter.~~

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- (10) ~~Casual, temporary or illegal use not sufficient as nonconforming use.~~ The casual, temporary or illegal use of land or a building shall not be sufficient to establish the existence of a nonconforming use or to create any rights in the continuance of such a use.

Sec. 9-131. Nonresidential property maintenance standards.

- (a) Any owner or lessee shall keep clean the inside and outside of premises of occupied or vacant stores and offices. Such owner or lessee shall keep the premises clean and free from any accumulation of debris, rubbish or trash including keeping the outside of the premises painted and in good state of repair and the windows clean and free from any lettering or sign advertising of the previous business or profession.
- (b) All exterior building walls shall be maintained in a secure and attractive manner. All defective structural and decorative elements of such building façade(s) shall be repaired or replaced in a workmanlike manner, to match as closely as possible the original materials and construction of the building. All exterior building walls and structural parts including fascia, soffits and balconies shall have all graffiti and loose material removed and patching or resurfacing shall be accomplished to match the existing or adjacent surfaces as to materials, color and joining, and shall be impervious to the elements..
- (c) If any commercial property is vacant for more than fifteen (15) days, all glass surfaces visible to the public shall be kept clean and the interior of such vacant store shall be screened from public view in one (1) of the following ways until the property is occupied:
- (1) All damaged, broken, temporary or permanently closed-up front windows shall be restored, repaired or replaced in a satisfactory condition.
- (2) Decorative displays of merchandise currently available within the city, merchandise of the future tenant of the vacant store, public service displays, or festival and current holiday displays, provided that screening of the remainder of the vacant store shall be placed immediately behind the decorative display.
- (d) All sidewalk overhangs attached to commercial buildings shall be structurally sound and free of rust, discoloration, peeling, chipping, cracking, sagging or dirt. All awnings shall be without tears or holes and free of dirt, discoloration, fading, or cracking. All lettering or signage on overhangs shall conform to the requirements provided in the sign code of the City of Tamarac and the city's land development regulations.
- (e) Premises and adjacent swales shall be kept landscaped, irrigated with rust free systems, mowed and maintained in good repair. All landscaping on non-residential property shall be in compliance with the approved site plan.

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- (f) All owners of land shall be responsible for the maintenance of all landscaping. This includes mowing and maintaining abutting rights-of-way, swales, lake and canal banks. Landscaping shall be maintained in a good condition so as to present a healthy, neat and orderly appearance at least equal to the original installation and shall be mowed or trimmed in a manner and at a frequency so as not to detract from the appearance of the general area. Landscaping shall be maintained such that it will not cause property damage and public safety hazards, including removal of living, dead or decaying plant material, removal of low hanging branches below fourteen (14) feet above grade and those obstructing street lighting.
- (g) Irrigation systems shall operate on a regular schedule to maintain existing landscaping and shall be maintained to eliminate water loss due to damaged, missing or improperly operating sprinkler heads, emitters, pipes and all other portions of the irrigation system and shall not be installed or operated to place water on roads or sidewalks.
- (h) All signage, including but not limited to stop signs and directional signs, shall be maintained in the originally permitted and constructed condition as required by the City of Tamarac signage code.
- (i) All off-street parking spaces including car stops and curbing shall be paved asphalt or concrete or block and shall have smooth surfaces in good repair.
- (j) It shall be the responsibility of all persons to maintain all paved areas in a neat and clean condition, in good condition and good repair, which shall include proper drainage to prevent the accumulation of pools of water and the correction and removal of all ruts, potholes, and broken pavement. Paved areas must be repaired or replaced when any deterioration occurs to the extent that the road rock or subbase is visible, which shall include removal of all weeds, and grass. In parking areas, the parking spaces shall be maintained in a manner which clearly delineates parking spaces, which shall include maintenance of parking space striping or other indicators and tire stops. This section shall apply to all paved areas, including but not limited to parking areas and ingress or egress driveways. All parking spaces, stop bars, directional arrows, centerlines, edge lines and other pavement markings shall be painted properly, clearly visible and well defined at all times.
- (k) Lighting. Commercial properties shall maintain open parking lots with time controls which will assure that the required illumination shall be provided outside of normal business hours or from dusk to dawn and that light levels are reduced not later than one (1) hour after the close of operations to the minimum levels needed to ensure safety and security.

SECTION 4. Chapter 20, Article IV, Section 20-116 entitled "Exceptions", of the City of Tamarac Code of Ordinances is amended as follows:

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

Sec. 20-116. - Exceptions.

The prohibitions contained in this article shall not apply in the following situations:

- (1) Properly packaged bulk trash, waste material, refuse and other articles may be placed on the unpaved public right-of-way no more than ~~twenty-four (24)~~ forty-eight (48) hours before the next scheduled pickup.
- (2) Property owners are not required to maintain the paved surface of the public streets.
- (3) Property owners may place mailboxes in the unpaved public right-of-way when such placement is a prerequisite to mail delivery to their property.
- (4) Vehicular parking in the public right-of-way shall be governed by other applicable laws, ordinances or regulations.

SECTION 5. 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 6. 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 7. 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.

SECTION 8. Effective Date. This Ordinance shall become effective upon adoption.

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PASSED, FIRST READING this 26 day of October, 2016.

PASSED, SECOND READING this 9th day of November, 2016.

BY: 
MAYOR HARRY DRESSLER

ATTEST:


PATRICIA TEUFEN, CMC

CITY CLERK

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

RECORD OF COMMISSION VOTE: 1ST Reading


MAYOR DRESSLER
DIST 1: COMM BUSHNELL
DIST 2: COMM GOMEZ
DIST 3: V/M GLASSER
DIST 4: COMM PLACKO

yes
yes
yes
yes
yes

RECORD OF COMMISSION VOTE: 2ND Reading

MAYOR DRESSLER
DIST 1: BUSHNELL
DIST 2: COMM GOMEZ
DIST 3: V/M GLASSER
DIST 4: COMM PLACKO

yes
yes
yes
yes
yes


for SAMUEL S. GOREN
CITY ATTORNEY