

The Satori

Major Site Plan Review (PZ2025-12000016)

PROJECT NARRATIVE

August 27, 2025

Revised October 29th, 2025

I. INTRODUCTION

Urbana, on behalf of 4211 N FED, LLC (Owner/Applicant), is requesting a Master Site Plan Review (MSPR) approval to allow a one-hundred and eighty-seven (187) residential unit mixed-use development with approximately 2,507 SF of retail and 1,705 SF of office. The development is composed of three (3) parcels for a combined total acreage of 2.71 ac (118,416 SF). The development is under Parcel IDs 484318000401, 484318000380, and 484318000351 and is located at 4211 North Federal Highway, Pompano Beach, Florida, 33064. The existing Land Use Designation is Commercial (C), and the existing Zoning Designation is General Business (B-3). The parcels are not located within the Community Redevelopment Agency (CRA) boundaries, and they are within the Highlands Neighborhood of Pompano Beach. Additionally, this development is utilizing Broward County's Bonus Density Policy 2.16.4 for a mixed-use development.

II. REQUEST

To allow one hundred and eighty-seven (187) multifamily residential units, 2,507 SF of retail, and 1,705 SF of office.

III. PROPOSED DEVELOPMENT

The property owners are proposing a eight-story mixed-use development composed of the following uses on each level:

Level 1 (Ground Floor): Garage parking (resident & guest), two (2) 1-bedroom units, four (4) 2-bedroom units, two (2) 3-bedroom units, 2,507 SF of retail, leasing office, meeting room, bike storage, main lobby, mail room, package room, main electrical room, street parking, loading areas, dog walking area, and public and private green spaces.

Level 2: Garage parking (resident), (2) 1-bedroom units, five (5) 2-bedroom units, two (2) 3-bedroom units, co-work area, game center, and media room.



Level 3: Garage parking (resident), 3rd floor lobby, skylight, eight (8) 1-bedroom units, ten (10) 2-bedroom units, and two (2) 3-bedroom units.

Level 4: Garage parking (resident), 4th floor lobby, skylight, eight (8) 1-bedroom units, ten (10) 2-bedroom units, and two (2) 3-bedroom units.

Level 5: Pool, cabanas, barbeque area, gym, pickleball court, clubhouse, 5th floor lobby, ten (10) 1-bedroom units, seventeen (17) 2-bedroom units, and three (3) 3-bedroom units.

Level 6: 6th floor lobby, ten (10) 1-bedroom units, nineteen (19) 2-bedroom units, and three (3) 3-bedroom units.

Level 7: 7th floor lobby, ten (10) 1-bedroom units, twenty-one (21) 2-bedroom units, and three (3) 3-bedroom units.

Level 8: 8th floor lobby, four (4) 1-bedroom units, four (4) mezzanine 1-bedroom units (open to rooftop), fourteen (14) 2-bedroom units, seven (7) mezzanine 2-bedroom units (open to rooftop), and three (3) 3-bedroom units.

Level 9 (Rooftop): Four (4) mezzanine 1-bedroom units, seven (7) mezzanine 2-bedroom units, and eight (8) rooftop terraces.

IV. ENTITLEMENT HISTORY

1975 – Motel (Days Inn) use approved via Building Permit PR-2025-760 with no provided unit count.

1999 – Motel (Days Inn) use approved via Building Permit PR-2025-760 (Amendment) to allow 61 motel units.

V. SURROUNDING PROPERTIES

Below are the subject parcels' adjacent parcel existing uses, future land use designations, zoning designation, and approved uses with corresponding resolutions (where applicable).

Adjacent Property	FLU	Zoning	Existing Land Use
North	C	B-3	Open Space/Neshama Jewish Funeral Services
South	L/LM	RS-4/RM-12	Single Family Homes
East	LHP C	LHP B-3A	Commercial
West	OR	PR	Recreational Open Space



VI. COMPREHENSIVE PLAN | BrowardNext

Policy 2.16.3 | Affordable Housing Bonus Density

Response: No longer applicable. The proposed development will now be utilizing Broward County Policy 2.16.4 for mixed-use developments.

VII. COMPREHENSIVE PLAN | City of Pompano Beach

Policy 01.07.17

The maximum intensity of development within the following nonresidential land use categories will be determined as follows:

Response: As shown on the table below, the proposed development meets the requirements of this section of the Code.

CATEGORY: COMMERCIAL (C)	REQUIRED	PROVIDED
Maximum lot coverage	60%	47%
Maximum building height (Ft)	105'	90'

VIII. CODE OF ORDINANCE

Sec. 154.61 | Chapter 154 - Planning | Redevelopment and Flexibility Units

Response: N/A. This development is utilizing Broward County Policy 2.16.4 for a mixed-use development, for which flex units are not required.

ARTICLE 1 – GENERAL PROVISIONS

Sec. 155.1201. | Relationship To Comprehensive Plan | Consistency with Comprehensive Plan

This Code is a means of implementing and ensuring consistency with the goals, objectives, and policies in the City of Pompano Beach Comprehensive Plan. Any amendments to this Code shall be consistent with the comprehensive plan.

Response: Understood. The proposed mixed-use development is consistent with the goals, objectives, and policies of the city's Comprehensive Plan. No amendments are proposed.

Sec. 155.1301 | Relationship to Other Laws | Conflicts with Other Laws

A. Conflicts with other City Regulations



If a provision of this Code is inconsistent with another provision of this Code, or with a provision found in other adopted codes or ordinances of the city, the more restrictive provision shall govern unless the terms of the more restrictive provision specify otherwise. The more restrictive provision is the one that imposes greater restrictions or burdens, or more stringent controls.

Response: Understood.

B. Conflicts with State or Federal Law

If a provision of this Code is inconsistent with a provision found in the law or regulations of the state or federal government, the more restrictive provision shall control, to the extent permitted by law.

Response: Understood.

C. Conflicts with Private Agreements

Nothing in this Code is intended to supersede, annul, or interfere with any easement, covenant, deed restriction, or other agreement between private parties, but such private agreements shall not excuse any failure to comply with this Code. The city shall not be responsible for monitoring or enforcing private agreements.

Response: Understood.

ARTICLE 2 – ADMINISTRATION

Sec. 155.2401.C | Application-Specific Review Procedures | Unity of Title Agreement

In conjunction with the submittal of an application for a development permit when it is deemed necessary for compliance with standards in this Code for the owner of adjacent lots or parcels to execute an agreement whereby such lots or parcels shall be considered an undivided parcel for zoning purposes, a "unity of title agreement" or equivalent instrument shall be required to be executed by the owner and recorded in the public records of Broward County. This agreement shall be considered to be a restriction running with the land and shall bind the heirs, successors and assigns of the owner.

Response: Per Broward County Planning Council plat determination letter dated April 1, 2025, a plat will be required per Broward County Land Use Policy 2.13.1.

Sec. 155.2407.E | Application-Specific Review Procedures | Site Plan Review Standards

An application for a Major Site Plan or Minor Site Plan shall be approved only on a finding that there is competent substantial evidence in the record that the development, as proposed:

- a. Is consistent with the land use designation in the comprehensive plan:



Response: Yes, the proposed mixed-use development is consistent with the Commercial (C) land use designation in the Comprehensive Plan.

- b. Complies with the applicable district, use, and intensity and dimensional standards of this Code (Articles 3, 4, and 5);

Response: The proposed mixed-use development complies with the General Business (B-3) zoning designation, use, density, and dimensional standards of this code.

- c. Complies with the applicable development standards of this Code (Article 5). While not required to comply with the Sustainable Development Standards in Part 8, Sustainable Development Standards, Development Standards, applications for Minor Site Plan shall be approved only on a finding that there is competent substantial evidence in the record that the proposed development is consistent with the goals and intention found in Section 155.5801, Purpose;

Response: The proposed residential development is proposing sustainable development principles to the best of their abilities.

- d. Complies with all other applicable standards in this Code;

Response: The proposed development shall comply with all applicable standards of this code.

- e. Complies with all requirements or conditions of any prior applicable development orders or prior applicable approved plans on record;

Response: There were no development records on city record, however, as mentioned herein, 1975 and 1999 permits confirmed the Motel use for 61 units.

- f. The concurrency review has been completed in accordance with Chapter 154 (Planning) of the Code of Ordinances;

Response: Yes, the proposed development shall meet the concurrency requirements of this chapter.

- g. Is designed to provide safe, adequate, paved vehicular access between buildings within the development and streets as identified on the Broward County Trafficways Plan;

Response: Yes, the proposed development has been designed to provide safe, adequate, paved vehicular access between buildings within the development and streets as identified on the Broward County Trafficways Plan.

- h. Complies with any applicable hazardous material licensing requirements in the Broward County Wellfield Protection Ordinance;

Response: The proposed development shall meet the requirements of this code.

- i. Complies with crime prevention security strengthening and standards for natural surveillance, natural access control, territorial reinforcement, maintenance, and activity support;

Response: The proposed development shall meet the CPTED standards. Please refer to the CPTED statement.



- j. Complies with adopted Fire Codes and Standards per City Code Section 95.02;

Response: The proposed development shall comply with adopted Fire Codes and Standards per City Code Section 95.02.

- k. Considers and mitigates any potential adverse impacts on environmentally sensitive lands identified by the city Comprehensive Plan or Broward County Land Use Plan; and

Response: Not applicable, as these parcels are not considered sensitive, and no native and non-native fauna and flora are present on them.

- l. Complies with the approved Transportation Corridor Study, unless in direct conflict with another zoning code provision.

Response: This requirement is not applicable to this development.

Sec. 155.2410 | Application-Specific Review Procedures | Plat

A. Purpose. The purpose of this section is to provide a review procedure to conform to the Broward County Land Use Plan's requirement that local governments require compliance with the county's platting requirements and to ensure subdivisions of land within the city:

1. Provide for the orderly growth and development of the city;
2. Coordinate proposed streets with existing and planned streets in the city's street system, and with other public facilities;
3. Provide rights-of-way for streets and utility easements;
4. Avoid congestion and overcrowding of streets;
5. Ensure there is adequate access to development.
6. Ensure there are adequate utility facilities to serve development;
7. Ensure there is adequate open space and recreation facilities to serve development; and
8. Ensure there is proper recordation of land ownership or property owner association records, where applicable.

Response: Per Broward County Planning Council plat determination letter dated April 1, 2025, a plat will be required per Broward County Land Use Policy 2.13.1.

B. Applicability.

1. Unless exempted in accordance with subsection 2 below, approval of a Plat in accordance with this section is required before any plat of a subdivision (as defined in Part 5 (Terms and Uses Defined) of Article 9: Definitions and Interpretation) may be recorded or any development associated with the subdivision may occur, and before any Zoning Compliance Permit may be approved for construction of a principal building on a lot or parcel of land.



Response: Per Broward County Planning Council plat determination letter dated April 1, 2025, a plat will be required per Broward County Land Use Policy 2.13.1.

2. Plat Exemption. The requirement that a Plat be approved in accordance with this section before approval of a Zoning Compliance Permit shall not apply where expressly exempted from such requirement by the Broward County Land Use Plan.

Response: Per Broward County Planning Council plat determination letter dated April 1, 2025, a plat will be required per Broward County Land Use Policy 2.13.1.

C. Procedure.

1. Step 1: Pre-Application Meeting. Applicable.
2. Step 2: Neighborhood Meeting. Optional.
3. Step 3: Application Submittal and Acceptance. Applicable.
4. Step 4: Staff Review and Action. Applicable to a recommendation by the Development Services Director following DRC review and comment
5. Step 5: Public Hearing Scheduling and Notice. Applicable.
6. Step 6: Advisory Body Review and Recommendation. Applicable to a recommendation by the P&Z, following a quasi-judicial public hearing on the application conducted in accordance with Section 155.2307.B, Public Hearing.
7. Step 5: Decision-Making Body. Applicable to a final decision by the City Commission.

Response: Understood.

D. Plat Review Standards. An application for a Plat shall be approved only on a finding that the proposed subdivision or development on the lots proposed to be platted meets all of the following standards:

1. The development complies with the applicable standards in Part 7 (Lots) of Article 5: Development Standards;
Response: Understood.
2. The development complies with all other applicable standards in this Code;
Response: Understood.
3. The development complies with all requirements or conditions of any applicable development orders (e.g., Planned Development);
Response: Understood.
4. Any land within the platted lot(s) that is necessary to comply with the Broward County Trafficways Plan has been conveyed to public by deed or grant of easement;
Response: Understood.
5. The development complies with any applicable hazardous material licensing requirements in the Broward County Wellfield Protection Ordinance; and



Response: Understood.

6. All facilities for the distribution of electricity, telephone, cable television, and similar utilities, shall be placed underground.

Response: Understood.

E. Effect of Plat.

1. A development order for a Plat from 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.

Response: Understood.

2. On obtaining a development order approving the same plat from Broward County in accordance with the Broward County Land Development Code, and recording the plat in accordance with Broward County platting regulations, the landowner is authorized to submit an application for a Zoning Compliance Permit in accordance with Section 155.2413, Zoning Compliance Permit, for development of the land.

Response: Understood.

F. Expiration.

A Plat approved in accordance with this section shall automatically expire and be null and void if an application for approval of the same plat is not approved by the Broward County Commission within two years after the date of the city's approval of the Plat, or an extension of this time period authorized in accordance with Section 155.2308.B.2, Extension of Expiration Time Period.

Response: Understood.

G. Deviations to/from Approved Plat

An approved Plat may be revised to include—and subsequent applications for a Zoning Compliance Permit for development authorized by a development order for a Plat may include—amendments from the approved Plat, conditions of approval, and plat notes.

Response: Understood.

H. Amendment

Any modifications of an approved Plat other than the deviations authorized in Section 155.2410.G, Minor Deviations to/from Approved Plat, shall require amendment of the Plat approval in accordance with Section 155.2308.C, Modification or Amendment of Development Order.

Response: Understood.



ARTICLE 3 – ZONING DISTRICTS

Sec. 155.3211. | Commercial Base Zoning Districts | B-3 Use Standards

	B-3 REQ	PROV
Min. Lot Area (SF)	10,000 SF	118,416 SF
Min. Lot Width (SF)	100'	137.25'
Max. Density (du/ac)	69 du/ac	69 du/ac
Max. Lot Coverage (% of lot area)	60% (71,050 SF)	47% (55,809 SF)
Min. Pervious Area (% of lot area)	20% (23,683 SF)	24% (29,172 SF)
Max. Height (Ft.)	105'	90'
Min. Front Yard Setback (Ft.) (E)	0'	26.6'
Min. Interior Side Yard Setback (Ft.) (N)	10'	10.9'
Min. Interior Side Yard Setback (Ft.) (S)	10'	14.4'
Min. Rear Yard Setback (Ft.) (W)	10'	10.3'

Sec. 155.3304. | Commercial Base Zoning Districts | General Business (B-3)

The General Business (B-3) district is established and intended to accommodate a diverse range of moderate-intensity retail, service, office, recreation/ entertainment, visitor accommodation, and institutional uses that serve the residents and businesses in the community at large (e.g., most retail sales and service uses, restaurants, offices, banks, restaurants, gasoline filling stations, marinas, auto and boat sales and service uses, theaters, hotels, child care facilities, vocational or trade schools, health care facilities, places of worship). It also accommodates complementary residential uses (e.g., live-work and upper-story dwellings) and moderate- to high-density multifamily development (either stand-alone or mixed with commercial development), community residences, and recovery communities.

1. Residential development on land classified as Commercial by the Land Use Plan is subject to allocation of flex or reserve units in accordance with Chapter 154, Planning or the allocation of residential units in accordance with County Affordable Housing Policy 2.16.3 (if less than 10-acres) or Policy 2.16.4 and Article 3, Use Standards.

Response: The proposed development is utilizing the Broward County Bonus Density Policy 2.16.4 for a mixed-use development.

2. Structures within the Air Park Overlay (APO) zoning district must also comply with the height limits in Section 155.3707.

Response: N/A.

3. Those portions of a structure extending above a height of 50 feet shall be set back an additional 1 ft for each 4 ft (or major fraction thereof) the height of the portion of the structure exceeds 50 ft.



Response: Yes, the proposed development meets this section of the code. The proposed building height is 90 feet, therefore the new required setback is 10 feet ($90 - 50 = 40/4 = 10$).

ARTICLE 4 – USE STANDARDS

Sec. 155.4202. | Principal Uses and Structures | Residential Household Living Uses

A. Mixed Income Residential and Mixed-Use Density Bonus Policies

A. Mixed Income and Mixed-Use Residential Density Bonuses are intended to encourage economic revitalization through redevelopment that is mixed use/mixed income, transit/pedestrian oriented, compatible with adjacent uses, and encourages corridor beautification. Further, such bonuses are conditioned on the developer or purchaser providing, in a manner acceptable to the city, guarantees, as a minimum, through the use of restrictive covenants, that the affordability of the bonus units will be maintained for a period of at least 30 years for rental housing and at least 30 years for owner-occupied housing. The following policies may be utilized:

- a. Broward County Affordable Housing Density Bonus Policies 2.16.3 and 2.16.4.

Response: The proposed development is utilizing Broward County Affordable Housing Density Bonus Policy 2.16.4 for a mixed-use development.

- b. Section 154.61 Redevelopment and Flexibility Units.

Response: The proposed development possesses a Commercial (C) land use designation and is utilizing Broward County's Bonus Density Policy 2.16.4 for a mixed-use development.

- c. Section 166.04151(7), Florida Statutes, as amended. The development of residential and mixed-use affordable housing developments pursuant to the provisions of Section 166.04151(7), Florida Statutes ("Live Local Act projects") involves a combination of residential and non-residential components, and a combination of dwelling units, at least 40% of which must qualify as affordable housing units, as defined in Section 420.0004, Florida Statutes, to accomplish the following purposes:

1. Protect and promote the public health, safety, and general welfare of the residents of the city;
2. Facilitate the orderly and efficient development of affordable housing in the city pursuant to the Act;

3. Acknowledge the statutory preemptions regarding use, height, density, FAR and parking under the Act;
4. Provide the minimum non-residential floor area for mixed use developments under the Act are the same as for other mixed-use projects in the city; and
5. Establish an administrative approval process for qualifying developments under the Act.
6. The Act does not apply to airport-impacted areas such as the Airpark Overlay District as defined in Section 155.3707, and as provided in Section 333.03, Florida Statutes
7. Applications for a Live Local Act project must be deemed complete prior to October 1, 2033. No applications for such projects shall be accepted after October 1, 2033 unless the Florida Legislature extends or reenacts Section 166.04151(7), Florida Statutes.

Response: Understood. However, the development is not utilizing the Live Local Act.

B. Development Standards Applicable to all Density Bonus Policies

a. Height

1. All developments greater than 35' in height must result in an effective transition of heights from abutting low-density residential (20 units per acre or less) development to the tallest portion of the development. The effective transition of heights is intended to demonstrate compatibility of heights with abutting low-density residential development and to demonstrate that the tallest portions of the development are appropriately located including a gradual and incremental increase in height that is proportionally tiered and reasonably distributed.

Response: Understood. The proposed building height is 90 feet where the South side of the building is adjacent to single-family homes, therefore, an effective transition of height has been provided on that side of the development.

2. Live Local Act projects may have the highest height of any commercial, residential or mixed-use zoning district within one mile of the proposed development site or as otherwise limited by the Act, when adjacent to single-family homes on two sides. Allowable height, therefore, will be determined on a site-specific basis for



Live Local Act projects. The highest height allowed does not include the height of any building that has received any bonus, variance, or other special exception for density provided in the city's land development regulations as an incentive for development.

Response: N/A.

3. If the Live Local Act project is adjacent to, on two or more sides, a parcel zoned for single-family residential use that is within a single-family residential development with at least 25 contiguous single-family homes, the height of the proposed development is limited to 150% of the tallest building on any property adjacent to the Live Local Act project, the highest currently allowed height for the property provided in the city's land development regulations, or three stories, whichever is higher. For the purposes of this paragraph, the term "adjacent to" means those properties sharing more than one point of a property line, but does not include properties separated by a public road.

Response: N/A.

b. Density

1. Development parcels with two or more density area designations shall unify for development purposes and may cluster units within the most intense density area of the development parcel.

Response: N/A.

2. Live Local Act projects may have up to the highest density allowed in any residential or mixed-use zoning district under the city's land development regulations. The highest density allowed does not include the density of any building that has received any bonus, variance, or other special exception for density provided in the city's land development regulations as an incentive for development.

Response: N/A.

c. Floor Area Per Dwelling Unit: Table 155.4202.A.2.c.: Floor area per dwelling unit, minimum (square feet)

1. Efficiency Units = 450
2. 1 Bedroom = 575
3. 2 Bedroom = 750



4. 3 Bedroom = 850
5. Additional Bedroom = 100

Response: Please see below the proposed floor area per dwelling unit.

1. Efficiency units = Not proposed.
2. 1 Bedroom = Range (777 SF to 950 SF)
3. 2 Bedroom = Range (1,053 SF to 1,394 SF)
4. 3 Bedroom = Range (1,470 SF to 1,798 SF)
5. Additional Bedroom = Not proposed.

- d. Maximum Lot Coverage. Multi-family and mixed-use development that incorporates mixed income residential may increase lot coverage by up to 20%.

Response: N/A. The proposed development meets the standards of Section 155.3304.C.

- e. Minimum Pervious Area. Multi-family and mixed-use development that incorporates mixed income residential may reduce the pervious area requirement to 10% of the total lot area. Landscaping and stormwater retention requirements still apply.

Response: N/A.

- f. Setbacks and Building Placement.

1. Front/Street Side Setback: Minimum = 0ft, Maximum = 20 ft
2. Build-to Zone (minimum): 60%
3. Interior Side Setback (minimum): 0ft
4. Rear (minimum): 10

Response: Please see below the proposed setbacks.

1. Front/Street Side Setback (East): 26.6 ft.
2. Build-to Zone (minimum): N/A
3. Interior Side Setback (minimum)(North): 10.9 ft.
4. Interior Side Setback (minimum)(South): 14.4 ft.
5. Rear (minimum)(West): 10.3 ft.

C. Incentives and Reporting Requirements:

a. Incentives:

1. All development projects in a commercial land use category that utilize Broward County Policy 2.16.3 or 2.16.4 shall receive up to a 50% zoning density bonus. They may also apply for minor



variations, or adjustments, to certain dimensional or numerical standards of this Code based on specific criteria as detailed in Section 155.2421., Administrative Adjustment.

Response: The proposed development is utilizing Broward County Affordable Housing Density Bonus Policy 2.16.4 for a mixed-use development. After applying the 50% additional density bonus, the total allowable number of units is 187 units (46 (B-3) + 23 (50% of B-3) = 69 x 2.71 acres = 186.99 = 187 du).

Sec. 155.4302. | Accessory Uses and Structures | Required Setbacks, Maximum Height and other dimensional standards.

Unless otherwise provided for in Section 155.4303 (Standards for Specific Accessory Uses and Structures), accessory uses and structures shall comply with the zoning district's minimum setback standards, maximum height limitations, and all other dimensional standards applicable for a principal dwelling unit structure.

Response: No accessory uses are proposed.

ARTICLE 5 – DEVELOPMENT STANDARDS

Sec. 155.5102.D.1. | Access, Circulation, Parking, and Loading | Minimum Number of Off-Street Parking Spaces

Per this section of the Code, 1.5 parking spaces (PS) are required for every multifamily dwelling unit with 1 or 2 bedrooms and 2 parking spaces (PS) for 3 bedrooms. Furthermore, 1 parking space (PS) is required for every 400 SF of office space and 1 parking space is required for every 300 SF of retail. Since the mixed-use development is proposing 187 multifamily dwelling units of 1,2, and 3 bedrooms, 1,705 SF of office space, and 2,507 SF of retail, the total required number of parking spaces is 338 PS and the provided is 341 PS. Out of the 349 PS (counting ADA), a total of 8 PS have been assigned as ADA PS with the required 5' ramp as requested by the City of Pompano Beach Fire Department. Please refer to the below table for a more detailed breakdown of the uses, required parking spaces, and provided parking spaces.

USE	CODE REQ	REQUIRED	PROVIDED
1 BD Units (55 units)	1.5 PS/DU	83 PS	83 PS
2 BD Units (105 units)	1.5 PS/DU	158 PS	158 PS
3 BD Units (27 units)	2.0 PS/DU	54 PS	54 PS



Office (1,705 SF)	1.0 PS/400 SF	2 PS	2 PS
Retail (2,507 SF)	1.0 PS/300 SF	3 PS	3 PS
Guest	1.0 PS/5 DU	38 PS	41 PS
ADA (Not included in total)	(301-400)/8 PS	8 PS	8 PS
Total Required PS		338 PS	
Total Provided PS			341 PS

Sec. 155.5203 | Landscaping and Tree Preservation | Landscaping

A. Applicability.

1. New Development. Except where expressly provided otherwise in this Code, the requirements in this section shall apply to all new development in the city.

Response: The proposed development is considered a new development in the city and shall comply with the requirements in this section.

2. Existing Development.

Response: N/A. The project is not considered to be an existing development.

- i. Development Without a Prior Landscape Plan Approved on Record, or Existing Prior to 1974

(A) Any development, other than a single-family dwelling, without an approved landscape plan on record, or that was existing prior to 1974 shall comply with the following retroactive standards.

Response: Understood.

(A) Sod shall be provided within the right-of-way swale to the edge of the paved travel lane except where in areas the Development Service Director finds are developed as a loading area or provide necessary access to loading or parking areas. One street tree per 40 lineal feet of sodded swale area shall be provided. Placement of street trees is subject to prior approval of the City Engineer.

Response: Understood. Please refer to landscape plan or landscape plan site data.

(B) A landscaped area at least five feet wide and containing a continuous hedge or one tree per 40 lineal feet of frontage shall be provided adjacent to a building wall facing a public street, except those parts of such wall providing necessary access to building entrances, loading docks, overhead doors, garages or parking spaces.

Response: Understood. Please refer to landscape plan or landscape plan site data.

(C) A landscape strip with an average width of five feet shall be provided between any parking area or driveway and a front or street side lot line. The development shall provide the following landscaping within the planting strip:

(1) A continuous hedge at least 24 inches in height at planting along the length of the landscape strip.

Response: Understood. Please refer to the landscape plan or landscape plan site data table.

(2) One tree per 30 lineal feet along the length of the landscape strip.

Response: Understood. Please refer to landscape plan or the landscape plan site data table.

(3) Grass or other ground cover in the remaining area of the landscape strip.

Response: Understood. Please refer to landscape plan or the landscape plan site data table.

(B) No requirement in subsection a. above shall apply if the Development Services Director determines that compliance with the requirement will cause a property to be nonconforming or will increase an existing nonconformity with respect to the number of parking spaces or accessway requirements required under this Code.

Response: Understood.

(C) General and procedural requirements of this landscaping subchapter shall apply to the design and submittal of plans, installation of material and inspections. Submission and approval of a landscape plan shall be required for compliance with this section.

Response: Understood.

(D) Where full compliance with the requirements of this section is precluded by a lack of sufficient developable areas due to the size and layout of existing development or the presence of significant wetlands, floodplains, watercourses, or other significant environmental constraints on development, the applicant shall comply with the requirements of this section to the maximum extent practicable, as determined by the Development Services Director.

Response: Understood.

- b. All Existing Development. Irrespective of the special requirements applicable to development existing before October 30, 1973, the landscaping requirements in this section may apply to existing development in accordance with the following.

Response: N/A. The project is not considered to be an existing development.

- (A) Expansion. Except as otherwise provided in subsection iii below, if an existing structure or use is expanded or enlarged (in terms of the number of dwelling units , floor area, number of employees, seating capacity, or other size unit), additional landscaping shall be provided in accordance with the requirements of this section to serve the expanded or enlarged part of the structure or use.

Response: N/A. The proposed development does not include the expansion of an existing structure.

- (B) Upgrading Of Nonconforming Landscaping. Nonconforming landscaping on the site of an expanded structure or use area shall comply with the requirements of this section in accordance with the standards of Part 5 (Nonconforming Site Features) of Article 7: Nonconformities.

Response: N/A. The proposed development does not include the expansion of an existing structure.

- (C) Minor or Major Site Plan Approval. Any proposed development subject to the review of a Minor or Major Site Plan approval shall demonstrate compliance with the approved Landscape Plan on file, in addition to any requirements necessitated by this code.

Response: Understood. The proposed development and accompanying landscape plan shall demonstrate compliance with this section of the code.

3. Demolition Sites

- a. If all or any existing structures on a lot are being, or have been, totally demolished drought-resistant sod or drought-resistant ground cover shall be installed on the entire demolition and/or disturbed areas before close-out of the demolition Building Permit and thereafter maintained. All asphalt, rock, and other non-natural materials shall be removed and refilled to the undisturbed lot level with clean soil before any planting or installation of the required drought-resistant sod or ground cover. Such vegetative restoration of a demolition site shall be subject to the standards of this section if conditions stated above are met; or

Response: Understood. Please refer to the landscape plan and landscape plan site data table.



- b. If any or all existing structures on a lot are being, or have been, demolished in preparation for new development in accordance with a valid Development Order and Building Permit, and the construction of a principal structure will commence within 30 days after the demolition has been completed, the owner of the lot shall restore the lot to its pre-demolition elevation, brush-cut the lot, and keep the lot free of debris, trash, and invasive plant materials until start of the permitted construction. A nonliving material adequate to avoid the shifting, blowing, or other dissemination of dust, soil, gravel, or fill may be used until start of the permitted construction. A perimeter berm no more than four feet high and planted with ground cover in accordance with Section 155.5203.B.2.e, Groundcover, may be installed and used during the construction period; and

Response: Understood. The proposed development shall comply with these requirements.

- c. If demolition activity is proposed to occur in the drip-line of an existing tree, a Tree Permit is required in accordance with Section 155.5204.B.1.b before start of the demolition activity.

Response: Understood. Demolition activity shall not occur in the drip-line of an existing tree.

- 4. Conflict with CPTED Guidelines. The Development Services Director may waive all or part of the standards in this section, 155.5203, if it is demonstrated that the implementation of the standard result in a conflict with the city's adopted CPTED guidelines.

Response: Understood.

- 5. Landscape Plan Required. Uses subject to the standards in this section shall include a landscape plan as a part of any application for a Special Exception (Section 155.2406), Site Plan Approval (Section 155.2407), or Zoning Compliance Permit (Section 155.2413), as appropriate. Landscape plans shall be prepared by a Landscape Architect registered in Florida and shall show replacements trees for any trees missing from previously approved landscape plans.

Response: Understood. The required landscape plan will be prepared by a Landscape Architect registered in Florida and shall show replacements trees for any trees missing from previously approved landscape plans.

B. General Requirements for Landscaping

- 1. Plant Material
 - a. General



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

Response: Understood. Please refer to the landscape plan or landscape plan site data table.

- (B) All plant materials shall, to the greatest extent possible:

- (1) Be based on the plant's adaptability to the landscape area, desired effect, color, texture, and ultimate plant size;
- (2) Be frost and drought tolerant, and grouped in accordance with their respective water and maintenance needs;
- (3) Be appropriate for the ecological setting in which the materials are to be planted, including the shielding of buildings from the sun (where possible) and from radiating surfaces such as parking areas, and as a screen for noise abatement;
- (4) Be commercially available;
- (5) Not have invasive growth habits, as identified in List of Invasive Plant Species (Florida Exotic Pest Plant Council); and
- (6) Comply with crime prevention through design (CPTED) principles.

Response: Understood. Please refer to the landscape plan or landscape plan site data table.

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

Response: Understood. Please refer to the landscape plan or landscape plan site data table.

- (B) Where 20 or more trees are required on a site, at least 50 percent of the required trees shall be native species, no more than 20 percent of the required trees shall be palm trees, and the required trees shall consist of at least four different species.

Response: Understood. Please refer to the landscape plan or landscape plan site data table.



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

Response: Understood. Please refer to the landscape plan or landscape plan site data table.

2. Installation.

- a. General. All required landscaping and landscape areas shall be installed in a sound, workmanlike manner and in accordance with landscaping BMPs, Florida-friendly landscaping principles, and the standards in this section.

Response: Understood. All required landscaping and landscape areas shall be installed in a sound, workmanlike manner and in accordance with landscaping BMPs, Florida-friendly landscaping principles, and the standards in this section.

- b. Planting Soil.

- (A) Planting soil shall be clean and reasonably free of construction debris, weeds, rocks, noxious pests, and diseases.

Response: Understood. Please refer to the landscape plan or landscape plan site data table.

- (B) Planting soil for all planting areas shall be amended with horticulturally acceptable organic material.

Response: Understood. Please refer to the landscape plan or landscape plan site data table.

- c. Turf Grass.

- i. Turf grass shall be drought tolerant, as described in the Administrative Manual.

- ii. Turf grass shall not be treated as fill-in material, but consolidated and placed so it can be irrigated separately from other types of landscape plants.

- iii. Use of turf grass shall be limited to use as a design unifier and in areas that receive pedestrian traffic, provide for practical or recreational use, or provide soil erosion control (e.g., on slopes or in swales).

- iv. The Development Services Director may authorize large grassed areas not subject to soil erosion, such as playfields, to be grassed by other methods.

Response: Understood. Please refer to the landscape plan or landscape plan site data table.



- d. Groundcover. At the time of planting, groundcover shall cover at least 50 percent of the intended groundcover area. Groundcover shall cover 100 percent of the intended groundcover area within one year after installation.

Response: Understood. Please refer to the landscape plan or landscape plan site data table.

- e. Vines. At the time of planting, vines shall have at least four runners, each of which is at least two feet long.

Response: Understood. Please refer to the landscape plan or landscape plan site data table.

- f. Shrubs and Hedges. At the time of planting, shrubs shall be upright in nature, be at least two feet in height above ground level, and have a spread of at least 24 inches. Shrubs designed to form a continuous hedge shall be spaced a maximum average of 24 inches on center.

Response: Understood. Please refer to the landscape plan or landscape plan site data table.

- g. Trees.

- i. General.

- (A) Planting activities, including site preparation, shall not unnecessarily damage any other trees to remain on the property.

Response: Understood. Please refer to the landscape plan or landscape plan site data table.

- (B) Trees shall be planted into an area with adequate space for development of their root system and canopy. A minimum area for planting a tree shall be 120 square feet, with a minimum dimension of eight feet.

Response: Understood. Please refer to the landscape plan or landscape plan site data table.

- (C) Trees shall be planted at least 15 feet from any light fixture mounted on a pole.

Response: Understood. Please refer to the landscape plan or landscape plan site data table.

- (D) Before, during, and following planting, the root ball and trunk of the tree shall be protected and the root ball shall be kept moist.

Response: Understood. Please refer to the landscape plan or landscape plan site data table.



(E) All newly planted trees shall be properly guyed and staked at the time of planting to ensure establishment and erect growth, in accordance with the specifications as set forth in the Administrative Manual. Trees shall be restaked in the event of blow-overs or other failure of the staking and guying. A tree shall remain braced for at least one year after its planting.

Response: Understood. Please refer to the landscape plan or landscape plan site data table.

(F) A newly planted tree shall be fertilized as appropriate and shall be watered sufficiently until tree growth is established. Written proof of temporary irrigation may be required as a condition of approval of a Tree Permit.

Response: Understood. Please refer to the landscape plan or landscape plan site data table.

ii. Height.

(A) Canopy Trees.

(1) At the time of planting, canopy trees shall be at least twelve feet in height above ground level.

Response: Understood. Please refer to the landscape plan or landscape plan site data table.

(2) At least 50 percent of required canopy trees shall be 14 feet high if the principal structure on the lot is between 15 and 25 feet high, and feet high if the principal structure on the lot is more than 25 feet high.

Response: Understood. Please refer to the landscape plan or landscape plan site data table.

(B) Ornamental Trees. At the time of planting, ornamental trees shall be at least eight feet in height above ground level.

Response: Understood. Please refer to the landscape plan or landscape plan site data table.

(C) Understory Trees. At the time of planting, understory trees shall be at least ten feet in height above ground level.

Response: Understood. Please refer to the landscape plan or landscape plan site data table.

(D) Palm Trees.



- (1) At the time of planting, palm trees shall be at least 14 feet in height above ground level.

Response: Understood. Please refer to the landscape plan or landscape plan site data table.

- (2) At least 50 percent of required palm trees shall be 18 feet high if the principal structure on the lot is between 15 and 25 feet high, and 22 feet if the principal structure on the lot is more than 25 feet high.

Response: Understood. Please refer to the landscape plan or landscape plan site data table.

- (3) No more than 50 percent of the total number of required trees shall be palm trees.

Response: Understood. Please refer to the landscape plan or landscape plan site data table.

h. Berms.

- i. Berms shall have a slope not exceeding a ratio of three horizontal feet to one vertical foot and a top width at least one-half the berm height.

Response: Understood. Please refer to the landscape plan or landscape plan site data table.

- ii. Berms proposed to be placed along street rights-of-way shall be designed and constructed to provide adequate sight distances at intersections and shall not impair safe operation of vehicles.

Response: Understood. Please refer to the landscape plan or landscape plan site data table.

- iii. In no case shall berms be located or designed so they damage the roots or trunks of existing healthy vegetation designated to be preserved.

Response: Understood. Please refer to the landscape plan or landscape plan site data table.

i. Stabilization.

- i. All required landscape planting areas and berms shall be stabilized and maintained with turf, ground cover, specified mulch at minimum two inch depth, or other approved materials to prevent soil erosion and allow rainwater infiltration.

Response: Understood. Please refer to the landscape detail plans.

- ii. Mulch shall be maintained at a minimum thickness of two inches around shrubs and trees.



Response: Understood. Please refer to the landscape detail plans.

- j. Protection from Vehicular Damage. Required landscaping areas shall be protected from vehicular damage by the installation of curbing, wheel stops, or other method approved by the Development Services Director.

Response: Understood. Please refer to Exhibit A on sheet L-6.

- k. Dry Retention Areas. Required landscaping areas shall be protected from vehicular damage by the installation of curbing, wheel stops, or other method approved by the Development Services Director.

Response: Understood. Please refer to Exhibit A on sheet L-6.

3. Existing Vegetation.

- a. Existing trees and understory vegetation located within any unique natural area identified in the Pompano Beach Comprehensive Plan shall be preserved, and may be used toward meeting the requirements of this section to the extent they meet the minimum standards of this section.

Response: Understood. Please refer to sheets L-1 and L-2.

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

Response: Understood. Please refer to sheets L-1 and L-2.

4. Time for Installation of Required Landscaping.

- (a) Time Limit. All required landscaping (including groundcover) shall be installed in accordance with the required planting standards set forth in this section prior to issuance of a Certificate of Occupancy unless the Development Services Director grants an extension to this time limit in accordance with Section 6.3.I.1.b, Extensions.

Response: Understood.

- (b) Extensions.

- i. The Development Services Director may, for good cause shown, grant extensions to the above time limit, allowing a developer/owner to delay the installation of required landscaping. Circumstances that may warrant an extension include, but are not limited to, completion of utility work occurring in a proposed landscaped area that is incomplete or delayed.

Response: Understood.

- ii. 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 and the provision of a



performance guarantee ensuring installation of the required landscaping within one year in accordance with Section 155.5901.C, Performance Guarantees.

Response: Understood.

5. Irrigation System Required.

- a. Wherever landscaping is required by this Code, it shall be kept in a healthy growing condition through appropriate irrigation by an automatic underground irrigation system installed in accordance with requirements of the Building Code.

Response: Understood. Please refer to the landscape plan or landscape plan site data table.

- b. The irrigation system shall include a rain-sensing cutoff device that shall be located and installed so that building eaves, balconies, and similar overhangs do not interfere with effective operation of the device.

Response: Understood. Please refer to the landscape plan or landscape plan site data table.

- c. The irrigation system shall be properly maintained in good working order and provide a minimum coverage of 100 percent with 50 percent overlap.

Response: Understood. Please refer to the landscape plan or landscape plan site data table.

- d. Water used for irrigation shall be rust-free except where deemed unnecessary by the Development Services Director.

Response: Understood. Please refer to the landscape plan or landscape plan site data table.

- e. Water used for irrigation shall be reuse water wherever practicable.

Response: Understood. Please refer to the landscape plan or landscape plan site data table.

- C. Minimum Development Site Landscaping. New developments shall provide plantings within pervious areas of the development site in accordance with the standards in Table 155.5203.C below for the base zoning district in which the development is located and the size of the lot contain the development.

Response: As the parcel's zoning district is B-3, the development shall provide 1 tree and 5 shrubs per 3,000 sq ft of lot area or major fraction thereof.

- D. Vehicular Use Area Landscaping.

- 1. Applicability.

- 1. General. Except as otherwise provided by the provisions of this subsection, all vehicular use areas in all zoning districts shall include landscaping around and

within the vehicular use area as a means of mitigating the parking area's microclimate and visual impacts.

Response: Understood. Please refer to Exhibit A on sheet L-6.

2. Exemptions. The standards in this subsection shall not apply to single-family dwellings.

Response: N/A. The proposed development is not a single-family dwelling.

3. Conflict with CPTED Guidelines. The Development Services Director may waive all or part of the standards in this subsection 155.5203.D., if it is demonstrated that the implementation of the standards result in a conflict with the city's adopted CPTED guidelines.

Response: Understood.

2. General.

- a. Required landscaped planting areas and canopy trees shall be distributed and sited within and around the vehicular use area so as to maximize heat abatement.

Response: Understood. Please refer to the landscape plan or landscape plan site data table.

- b. Non-landscaping features such as walkways, light or utility poles, fire hydrants, and stormwater management facilities may be located in required landscaped areas only to the maximum extent necessary to comply with other provisions of this Code and provided the minimum landscaping width and planting standards for vehicular use areas are met.

Response: Understood. Please refer to the landscape plan or landscape plan site data table.

3. Perimeter Landscaping Strips. Perimeter landscaping strips shall be provided and maintained around the perimeter of a vehicular use area to screen view of it from any abutting public right-of-way, private roadway, alley, property, or waterway in accordance with the following standards, except where such screening is provided by an intervening on-site building or other structure and on land crossed by an authorized vehicular, bicycle, or pedestrian accessway or easement for an underground utility line.

- a. Location and Configuration.

- i. Except as provided in ii below, perimeter landscaping strips shall be located on the same property as the vehicular use area and placed to assure visibility and safety of bicyclists and pedestrians within the vehicular use area and on adjacent accessways.



Response: Understood. Please refer to the landscape plan or landscape plan site data table.

- ii. Where abutting properties are subject to the same perimeter landscaping strip requirement along a common property line, a single perimeter landscaping strip meeting these standards may be provided along either or both sides of the common property line through joint written agreement by the owners of the abutting properties.

Response: Understood. Please refer to the landscape plan or landscape plan site data table.

- b. Composition. Perimeter landscaping strips shall be comprised of:

- i. Canopy trees spaced a maximum average of 30 feet on center, except that:

- (A) Canopy trees may be spaced a maximum average of 40 feet on center within perimeter landscaping strips screening a vehicular use area from an abutting property or waterway;

Response: Understood. Please refer to the landscape plan or landscape plan site data table.

- (B) Where more than ten canopy trees are required, large palm trees may be substituted for 50 percent of required canopy trees, and shall be spaced a maximum average of 20 feet on center where used along an entire side of the vehicular use area; and

Response: Understood. Please refer to the landscape plan or landscape plan site data table.

- (C) Understory trees spaced a maximum average of 20 feet on center may be substituted for canopy trees in areas beneath overhead utility lines; and

Response: Understood. Please refer to the landscape plan or landscape plan site data table.

- ii. Shrubs planted to form a continuous, opaque hedge along the perimeter of the vehicular use area , provided that:

- (A) To allow security surveillance of parking areas, the shrubs shall be maintained at a maximum height of three feet above the elevation of the adjacent vehicular use area ; and

Response: Understood. Please refer to the landscape plan or landscape plan site data table.

(B) A solid masonry wall up to three feet high may be substituted for all or part of the required shrub hedge provided that shrubs or vines spaced a maximum average of five feet on center shall be planted between the wall and any adjacent vehicular use area ; and

Response: Understood. Please refer to the landscape plan or landscape plan site data table.

iii. Ground cover or grass planted in all areas not occupied by trees, shrubs, or walls.

Response: Understood. Please refer to the landscape plan or landscape plan site data table.

c. Width. The minimum width of the perimeter landscaping strip shall be:

i. Twenty feet in industrial developments abutting a major arterial, minor arterial, or collector street;

Response: N/A. The proposed development will not include any industrial uses.

ii. Ten feet in all other developments on lots greater than 100 feet wide; and;

Response: Understood. Please refer to the landscape plan or landscape plan site data table.

iii. Five feet in all other developments on lots no more than 100 feet wide.

Response: N/A. The proposed development will be more than 100 feet wide.

d. Credit towards Perimeter Buffers. Perimeter landscaping strips associated with a vehicular use area may be credited towards compliance with perimeter buffer standards. (See Section 155.5203.F, Perimeter Buffers.)

Response: Understood. Please refer to the landscape plan or landscape plan site data table.

4. Interior Landscaping Standards.

1. Applicability.

a. General. Except as otherwise provided in subsection ii below, landscaped planting areas making up at least 15 percent of the total area of a vehicular use area shall be provided and maintained within the interior of a vehicular use area in accordance with the following standards.

Response: Understood. Please refer to the landscape plan or landscape plan site data table.

2. Landscaped Islands in Parking Bays.

- i. A landscaped island shall be provided at each end of every row of parking spaces. Where a row of parking spaces contains ten or more parking spaces, additional landscaped islands shall be provided at a spacing no greater than one every ten parking spaces.

Response: Understood. Please refer to the landscape plan or site plan.

- ii. Each landscaped island shall be at least eight feet wide and at least as long as the adjacent parking spaces, with the long axis of the landscaped island running approximately parallel to that of the adjacent parking spaces.

Response: Understood. Please refer to the landscape plan or site plan.

- iii. Each landscaped island shall contain at least one canopy tree. Understory trees may be substituted for canopy trees in areas beneath overhead utility lines. Trees shall be maintained to provide maximum canopy crown.

Response: Understood. Please refer to the landscape plan or site plan.

- iv. Landscaped Areas Between Parking Bays. A landscaped area at least eight feet wide shall be provided between abutting parallel parking bays. The landscaped area shall contain canopy trees spaced no more than 40 feet apart, a continuous hedge, and grass or groundcover throughout the remaining area.

Response: Understood. Please refer to the landscape plan or site plan.

- v. Landscaped Driveway Medians. Driveways within vehicular use areas may include a center landscaped median provided the median:

- (1) Is at least eight feet wide;
- (2) Is maintained in grass, groundcover, shrubs , ornamental trees, or understory trees ; and
- (3) Is protected from vehicular encroachment by.

Response: Understood. Please refer to the landscape plan or site plan.

- 5. Landscaping Between Vehicular Use Areas and Buildings. A landscaped area shall be provided between a vehicular use area and an abutting building in accordance with the following standards. No landscaped area is required along those parts of an abutting building facade containing building entrances, driveways into garages or carports, or loading docks.

- a. The minimum width of the landscaped area shall be a minimum of eight feet for each 15 feet of height of the abutting building facade. For structures taller than



15 feet, the landscaped area shall be a minimum of one additional foot for every two feet (or major fraction thereof) of height, up to a maximum of 24 feet of landscaped area.

Response: Understood. Please refer to the site plan and site data table.

- b. The landscaped area shall include landscaping meeting the foundation planting standards in Section 155.5203.E.3.

Response: Understood. Please refer to the landscape plan or landscape plan site data table.

- c. The Development Services Director may grant modifications to the required landscaping between vehicular use areas and buildings for development that provide at least 50% of the required width, subject to providing superior landscape design that includes a minimum of trees or palms as follows within the subject area and must include one or more of the following elements:
 - i. Palms must be provided in multiples (doubles or triples);
 - ii. If palms and trees are combined, one row of shrubs can be provided;
 - iii. If palms or trees are provided, shrubs must be included in layering or height tiering with a minimum of 2 layers or tiers;
 - iv. If trees are provided, design must include a minimum of 2 species;
 - v. Trees or palms must be a minimum of 14 feet in height;
 - vi. Layered or height tiered shrubs are provided in variety with a minimum of 2 species;
 - vii. Suspended pavements systems are provided for the adjacent vehicular use area.

Response: Understood.

E. Building Base Plantings.

- 1. Purpose and Intent. Building base plantings are intended to soften the visual impact of building foundations and provide for the even dispersal of shrubs along the bases of building facades that face streets. They consist of shrubs planted around the base of a building to help soften its appearance.

Response: Understood. Please refer to the landscape plan or landscape plan site data table.

- 2. Building Base Planting Required. Except for single-family dwellings, shrubs shall be planted along the base of any building facade facing a street. This requirement shall not apply to a building facade constructed along or within one foot of the

street right-of-way boundary, or along those parts of a building facade containing building entrances, driveways into garages or carports, or loading docks.

Response: Understood. Please refer to the landscape plan or landscape plan site data table.

3. Building Base Planting Standards

- a. Required shrubs shall be planted within three feet of the base of the building. If a street sidewalk is located between the base of the building and the street, required shrubs may be planted up to 15 feet from the base of the building.

Response: Understood. Please refer to the landscape plan or landscape plan site data table.

- b. Required shrubs shall maintain a maximum average on-center spacing of six feet, and be evenly-distributed along the building facade.

Response: Understood. Please refer to the landscape plan or landscape plan site data table.

F. Perimeter Buffers.

1. Purpose and Intent. Perimeter buffers are intended to help mitigate potential negative effects of proposed developments on abutting property and abutting rights-of-way.
2. Applicability.

- a. Development required to obtain Major Site Plan or Minor Site Plan approval shall provide a perimeter buffer to separate it from abutting property zoned for a less intensive or inconsistent zoning district, including developed and vacant property, in accordance with Table 155.5203.F.3, Required Buffer Types and Standards.

Response: Understood. The proposed development shall provide adequate perimeter buffers.

- b. Except as noted in subsection d below, when required by a Use-Specific standard in Article 4, development required to obtain Major Site Plan approval shall provide the specified perimeter buffer type along all property lines, regardless of the zoning district of the abutting property.

Response: Understood. The proposed development shall provide adequate perimeter buffers.

3. Required Buffer Types and Standards. Table 155.5203.F.3, Required Buffer Types and Standards (below), describes each of three different types of perimeter buffers in terms of where it is required, function, and optional combinations of width and screening standards.



Response: The required buffer type for the proposed development is Type A buffer and Type C buffer, we are using option 1 for both Type A and Type C buffer.

WHERE REQUIRED	REQUIRED BUFFER TYPE BY FUNCTION	
Between a proposed multifamily dwelling and land zoned RS-1, RS-2, RS-3, RS-4, RS-L, RD-1, or MH-12, or as required per use-specific standards in Article 4.	TYPE A BUFFER	
	This perimeter buffer functions as an intermittent visual obstruction from the ground to a height of at least 20 feet and creates an impression of spatial separation without eliminating visual contact between uses.	
	Option 1	Option 2
	At least 10 feet wide + 1 canopy tree per 30 linear feet + A continuous hedge at least 4 feet high	At least 20 feet wide + 1 canopy tree per 50 linear feet + 1 understory tree per 30 linear feet + 1 shrub per 10 linear feet
WHERE REQUIRED	REQUIRED BUFFER TYPE BY FUNCTION	
Between a proposed industrial use and land within a non-industrial zoning district , or as required per a use-specific standard in Article 4 .	TYPE C BUFFER	
	This perimeter buffer functions as an opaque screen from the ground to a height of at least six feet. This type of buffer prevents visual contact between uses and creates a strong impression of total separation.	
	Option 1	Option 2
	At least 10 feet wide + An opaque masonry wall at least 8 feet high + 1 canopy tree per 30 linear feet + a continuous hedge at least 5 feet high on the exterior side of the wall or fence + 1 canopy tree per 30 feet on the interior side of the wall or fence	At least 25 feet wide + A wall or opaque fence at least 4 feet high atop a berm at least 4 feet high + 1 understory tree per 15 linear feet on the exterior side of the wall or fence + 1 canopy tree per 30 linear feet on the interior side of the wall or fence

4. Location of Perimeter Buffers. Perimeters buffers required by this subsection shall be located along the outer perimeter of the lot of which it is required, just inside its boundary with the lot being buffered or inside any access or utility easement running along that boundary that precludes or restricts provision of required screening.

Response: Understood. Please refer to the site plan or landscape plan.

5. Development within Required Buffers.

- a. The required buffer shall not contain any development, impervious surfaces, or site features (except fences or walls) that do not function to meet the standards of this section or that require removal of existing vegetation, unless otherwise permitted in this Code.

Response: Understood. Please refer to the landscape plan or site plan.

- b. Sidewalks, trails, and other elements associated with passive recreation may be placed in perimeter buffers if all required landscaping is provided and damage to existing vegetation is minimized to the maximum extent practicable.

Response: Understood. Please refer to the landscape plan or site plan.

- c. Overhead and underground utility lines required or allowed by the city are permitted to cross perimeter buffers , but shall minimize the impact to vegetation to the maximum extent practicable. Where required landscaping material is damaged or removed due to utility activity within a required buffer, the landowner shall be responsible for replanting all damaged or removed vegetation necessary to ensure the buffer meets the standards in this Code.

Response: Understood. The proposed development shall comply with this section of the code.

G. Street Trees.

1. Street Tree Plan. A Street Tree Plan is established to depict the species of trees that shall be planted along arterial and collector streets in the city. The Street Tree Plan shall be kept on file in the Development Services Department and is incorporated into and made part of the Administrative Manual by reference.

Response: Understood.

2. Street Trees Required of New Development.

- a. New development shall provide street trees along any street except an alley.

Response: Understood. Please refer to the landscape plan or landscape plan site data table.

- b. Required street trees shall be planted in a planting strip that is located between the roadway and the property line and is at least five feet wide. Where such a planting strip does not exist or is impractical to provide, street trees may be located in a vehicle use area's perimeter landscaping strip (See Section 155.5203.D.3, Perimeter Landscaping Strips.) where the perimeter landscaping strip adjoins the street right-of-way.

Response: Understood. Please refer to the landscape plan or landscape plan site data table.

- c. Street trees shall be provided at a ratio of one street tree per 40 feet of street frontage. Required street trees shall be spaced no closer than 15 feet apart and no farther than 60 feet apart.

Response: Understood. Please refer to the landscape plan or landscape plan site data table.

- d. Required street trees shall be understory trees to accommodate overhead utility lines.

Response: Understood. Please refer to the landscape plan or landscape plan site data table.

- e. The variety and species of required street trees shall be in accordance with the Street Tree Plan.

Response: Understood. Please refer to the landscape plan or landscape plan site data table.

- f. Installation and maintenance of required street trees shall be the responsibility of the adjoining property owner.

Response: Understood. Please refer to the landscape plan or landscape plan site data table.

Sec. 155.5204.C | Landscaping and Tree Preservation | Tree Preservation

C. Tree Removal.

1. The Development Services Director shall approve a Tree Permit authorizing tree removal only on making one or more of the following findings:
 - a. That the tree removal is necessary to accommodate a proposed development, that the proposed development cannot be located on the site without tree removal, despite every reasonable effort having been made to incorporate the tree(s) proposed to be removed into the development and to minimize the number of trees removed.
 - b. That the tree proposed to be removed is dead, effectively destroyed, diseased, injured, or otherwise of poor quality and condition.
 - c. That the tree proposed to be removed is obstructing safe vehicular cross visibility.
 - d. That the tree proposed to be removed is too close to an existing structure so as to endanger the structure, or otherwise is creating ongoing safety problems for existing development.

- e. That the tree is an invasive tree, as defined in Part 5 (Terms and Uses Defined) of Article 9: Definitions and Interpretation, provided the removal results in the complete removal of the invasive tree.

Response: Understood.

- 2. If trees proposed to be removed are located within a Natural Forest Community, as defined in Part 5 (Terms and Uses Defined) of Article 9: Definitions and Interpretation, the Development Services Director shall approve a Tree Permit authorizing tree removal only on making the following additional findings:

- a. That any areas providing habitat to species listed in Office Lists of Endangered and Potentially Endangered Fauna and Flora in Florida (Florida Game and Freshwater Fish Commission) have been identified and will be preserved.
- b. That areas of high on-site wildlife utilization have been identified and will be preserved.
- c. That areas containing relatively undisturbed tree canopy, subcanopy, and groundcover have been identified and will be preserved.

Response: Understood.

- 3. Activities associated with authorized tree removal shall not cut down, destroy, remove, relocate, effectively destroy, or damage any other tree on the site unless a Tree Permit authorizing such action is first obtained.

Response: Understood.

- 4. No dead tree shall be allowed to remain on any developed property. Any dead tree on developed property shall be removed in accordance with a Tree Permit approved in accordance with Section 155.2411, Tree Permit.

Response: Understood. The development shall comply with this requirement.

Sec. 155.5301 | Screening, Fences, and Walls | Screening

A. Mechanical Equipment.

1. Applicability.

a. New Development Screening Scenarios

- i. Mechanical equipment mounted on the roof of a building shall be screened by a parapet wall, roof screen, or similar device of a height equal to or exceeding the height of the mechanical equipment being screened, unless exempted by Section 2 (155.5301.A.2. Exemptions).

Response: Elevations confirm all rooftop mechanical units are fully screened by parapets extending above unit height. Ground-mounted equipment is not proposed. Please see sheet A1.9 confirming this.

- ii. Mechanical equipment mounted on ground level, or mounted within 3 feet from ground level, shall be screened by dense continuous hedges installed in accordance with Section 155.5203.B.2.f., Shrubs and Hedges, or semi-opaque fences or solid walls. The height of the vegetation, wall or fence, shall be maintained at least six inches above the height of the mechanical equipment being screened.

Response: No mechanical equipment shall be mounted on the ground level.

2. Exemptions.

- a. The Development Services Director may waive all or part of the standards in this subsection, 155.5301.A. or 155.5301.B., if it is demonstrated that the implementation of the standards results in a conflict with the city's adopted CPTED guidelines, City adopted Life Safety standards, City owned utility infrastructure as referenced in Article 5, Part 5, Environmental Protection/Infrastructure, or maintenance requirements for mechanical equipment within the public right-of-way.

Response: Understood.

- b. If it is determined that the mechanical equipment is not visible from a street or at the ground level of a non-industrial zoning district new or existing industrial development, within an Industrial zoning, then the roof-mounted mechanical equipment does not need to be screened on a building, if any of the following conditions apply:

- i. the building elevation faces another building on the same lot;
- ii. the rear building elevation faces nonbuildable properties (example of a nonbuildable property includes a railroad track, a water body, or similar properties).

Response: Understood.

B. Screening of Off-Street Loading and Service Areas

- 1. All off-street loading areas and services areas (e.g., refuse or recyclables collection area, equipment cleaning area) shall be located and designed to reduce the adverse visual and acoustic impacts of their use on adjacent streets and properties.

Response: Understood. Please see sheets SP-1 and A1.1.



2. Exterior off-street loading and service areas shall be screened from view from adjacent streets and properties by durable, sight-obscuring walls, fences, and/or dense continuous hedges that are at least six feet in height. Points of vehicular access into or from the loading or service area need not be screened, provided they are located and designed to minimize direct views into the service or loading area from adjacent streets and properties.

Response: Understood. Please see sheets SP-1 and A1.1.

3. Screening walls and fences shall incorporate at least one of the primary materials or colors of the primary structure on the lot. Screening hedges shall be of a type and quality as that used for site landscaping.

Response: Understood. Please see sheets SP-1 and L-1.

4. The Development Services Director may waive all or part of the standards in this subsection, 155.5301.B., if it is demonstrated that the implementation of the standards results in a conflict with the city's adopted CPTED guidelines.

Response: Understood.

C. Location and Screening of Commercial Containers

1. Applicability.

- a. New Multifamily and Nonresidential Development. Except as otherwise provided in subsection c. below, on any multifamily and nonresidential properties, all exterior commercial containers—including, but not limited to, garbage dumpsters and compactors, cardboard receptacles and compactors, large recyclable containers, grease/oil tanks and garbage cans and carts—shall be screened from view from adjacent streets and properties in accordance with the standards in this subsection.

- i. Commercial containers shall be screened on three sides by a durable, sight-obscuring wall constructed of brick, masonry, stone, or similar material, and on the fourth side by a wood or metal gate.

Response: Understood.

- ii. No commercial container enclosure shall be placed in an area where the fence regulations would cause a conflict with this section.

Response: Understood.

- iii. The height of the screening walls and gate shall be at least six inches higher than the height of the container.

Response: Understood.

- iv. Where the container is located next to a building wall, the building wall may serve as a screening wall, and the other screening walls or fences



shall incorporate at least one of the primary materials or colors of the adjacent building wall.

Response: Understood.

- v. The external sides of walls screening a commercial container shall have a "finished" surface (e.g., textured or painted) and shall be landscaped to soften their visual impact in accordance with Section 155.5302.F.3., Fence and Wall Landscaping.

Response: Understood.

2. Location. Commercial containers shall not be placed in the following locations:

- a. Within five feet of any property line;
- b. Any required landscaped area;
- c. Any front yard or street side yard;
- d. Any fire lane;
- e. Any off-street parking space;
- f. Any location that blocks vehicular, bicycle, or pedestrian traffic;
- g. Any location that interferes with utilities; and
- h. Any platted or recorded easement.

Response: Understood.

3. Exemptions.

- a. These standards shall not apply to commercial containers placed by or on authority of the city on a temporary basis or placed for the temporary purpose of disposing of waste generated during construction (e.g., construction waste bins) or demolition activity on the site.

Response: Understood.

- b. The Development Services Director may waive all or part of the standards in this subsection, 155.5301.C., if it is demonstrated that the implementation of the standards results in a conflict with the city's adopted CPTED guidelines or if strict application of this code would effectively prohibit the use of commercial containers due to unique or established characteristics of a site.

Response: Understood.

Sec. 155.5509 | Environmental Protection/Infrastructure | Utility Lines Location

In all new development, as well as redevelopment that increases gross floor area by 50 percent or more, all overhead utilities located on the development site and/or along the public right-of-way fronting the development site shall be placed underground to the maximum extent practicable—

provided that the Development Services Director shall waive this requirement where the relevant utility



company demonstrates that undergrounding will be detrimental to the overall safety and/or reliability of the circuit.

Response: A note has been added to the site and landscape plan stating that overhead utilities shall be buried along the property frontage. The owner is currently working with the power and telecom providers on a scope and timeline for overhead infrastructure to be buried in conjunction with development of this project.

Sec. 155.5601 | Design Standards | Multifamily Residential Design Standards

Response: No longer applicable as this development will be utilizing Broward County Policy 2.16.4 for a mixed-use development.

Sec. 155.5602. | Design Standards | Commercial, Institutional, and Mixed-Use Design Standards

A. Purpose. These design standards are intended to identify the city's design goals and expectations for commercial, institutional, and mixed-use development quality resulting in greater predictability during the development review process. More specifically, the purposes of this section are to:

1. Encourage establishment of a strong sense of place with vibrant commercial, institutional, and mixed-use development in key areas of the city;
2. Encourage a more pedestrian-friendly environment through attention to human-scale design and site features to limit large, bulky buildings with few architectural details;
3. Foster greater compatibility between adjacent residential and nonresidential development;
4. Limit the impacts of automobile-oriented development in commercial, institutional, and mixed-use areas; and
5. Improve the appearance of gateways and entrances to the city.

Response: Understood. The proposed development shall comply with the standards of this section.

B. Applicability. Except as otherwise provided in this Code, the standards in this section shall apply to the following:

- i. All new commercial, institutional, B-4 zoning districts, and mixed-use development (as defined in Section Article 9: Part 5 Terms and Uses Defined), including large retail establishments.

Response: The proposed development is mixed-use.

- ii. Commercial, institutional, B-4 zoning districts, and mixed-use development required to obtain Major Building Design Approval.

Response: The proposed development is mixed-use and required to obtain Major Site Plan approval.

C. General Commercial, Institutional, and Mixed-Use Design Standards. All commercial, institutional, industrial uses within a commercial zoning district, and mixed-use development subject to this section shall comply with the following standards:

3. Business Activities to be Conducted in Enclosed Buildings. Except as expressly provided otherwise in this Code, all business activities associated with commercial, institutional, and mixed-use developments shall be conducted within a totally and permanently enclosed building.

Response: All corresponding business activities shall take place within a totally and permanently enclosed building.

4. Building Orientation.

(A) Fronting Streets. The front facade of all buildings, as defined by the primary entrance, shall front onto a street, a courtyard, or plaza , not an off-street surface parking area. In the case of corner lots, the primary entrance shall face the street from which the building derives its street address. Nothing shall prohibit a secondary entrance from facing a surface parking area.

Response: The primary entrance currently fronts N. Federal Highway.

(B) Single-Building Development Parallel to Street. All single-building developments shall be configured with the long axis of the building parallel to the street it fronts, or be consistent with existing development patterns, rather than being sited at unconventional angles.

Response: Understood. The proposed development is not comprised of a single-building.

(C) Multi-Building Development

- i. Development composed of multiple buildings totaling 50,000 or more square feet of floor area shall be configured to:

1. Break up the site into a series of smaller "blocks" defined by on-site streets, vehicle accessways, pedestrian walkways, or other circulation routes;
2. Frame the corner of an adjacent street intersection or entry point to the development;
3. Frame and enclose a " Main Street " pedestrian or vehicle access corridor within the development site;
4. Frame and enclose on at least three sides of parking areas, public spaces, or other site amenities; or

5. Frame and enclose outdoor dining or gathering spaces for pedestrians between buildings.

Response: The proposed architectural configuration shall comply with these standards.

- ii. The primary entrances of buildings shall be oriented towards a street along the perimeter of a development, towards streets or driveways interior to the development, or towards open space areas, courtyards, or plazas.

Response: The primary entrance of the main building is currently oriented towards a driveway interior to the development.

Sec. 155.5605 | Design Standards | Parking Deck or Garage Design Standards

- A. Purpose. These design standards are intended to identify the city's design goals and expectations for parking deck or garage quality, whether as a stand-alone structure or as part of a residential, commercial, institutional, industrial or mixed-use development, resulting in greater predictability during the development review process. More specifically, the purposes of this section are to:

1. Establish a minimum level of design quality for parking decks and garages to foster acceptable aesthetic value; and

Response: Understood. The proposed parking garage shall comply with these standards.

2. Limit the visual impacts of automobile-oriented development in residential, commercial, institutional, industrial, and mixed-use areas.

Response: Understood. The proposed parking garage shall comply with these standards.

- B. Applicability. Except as otherwise provided in this Code, the standards in this section shall apply to the following:

1. All new parking decks or garages (as defined in Article 9: Part 5 Terms and Uses Defined), whether the structure is a stand-alone structure or as part of a multi-family, commercial, institutional, industrial or mixed-use building.

Response: Understood. The proposed parking garage is part of the whole mixed-use development.

2. Parking deck or garage development required to obtain major building design approval.

Response: Understood. The proposed parking garage is part of the whole mixed-use development, which is required to obtain major site plan approval.

C. General Parking Deck or Garage Design Standards. Multi-level parking deck or garage structures, whether stand-alone or part of a larger development, shall comply with the following standards:

1. All levels of the parking deck or garage structure shall comply with the standards below:
 - a. All building facades of the parking deck or garage that are facing a street; within 100 feet of a street or an open space; or are visible from a street shall be harmonious and complement the principal structure and contain all of the following architectural treatments:
 - i. Facade articulation (i.e. wall offsets); and
 - ii. Horizontal and vertical projections; and
 - iii. Material and color variation; and
 - iv. Varied proportions of openings.

Response: Understood.

- b. No vehicles parked within or on the roof of the deck or garage shall be visible from the street. All openings shall be treated with decorative screening or in a manner that creates the appearance of an active use area and conceals all internal elements such as plumbing pipes, fans, ducts and lighting, and;

Response: Understood. Parking is not visible from the street, and all openings shall have decorative screening.

- c. No deck or garage ramp areas shall be visible from the street and shall be internal to the building.

Response: Understood. Parking is not visible from the street, and all openings shall have decorative screening.

- d. The exposed top level of a parking structure shall be covered a minimum of 60% with a shade producing structure such as, but not limited to, a vined pergola or retractable canvas shade structure.

Response: Understood. Parking only goes up to the fourth floor, and the top floor of the development is terraces and mezzanine apartments.

2. Openings off any street shall not exceed two lanes in width or 30' maximum per entrance/exit. Entrances/exits on alleys/service roads are exempt from this requirement.

Response: Complied. All entrances are on service roads, not streets.

3. If the deck or garage is accessed from a street, there shall be only one point of access to the garage area from that street.

Response: Acknowledged. The garage is not accessed from the street.

4. Pedestrian entrances to the deck or garage shall be directly from a frontage line through an exterior or interior pedestrian passage or a combination thereof running from the rear to the front of the lot. Parking spaces serving residential units are exempt from these requirements.

Response: Complied. Pedestrian passages have been provided.

5. Non-active facades along an interior property line and visible from neighboring active facades, shall provide either a. or b. below:

- a. A landscape buffer at least 10 feet wide including:
 - i. One canopy tree per 30 linear feet; and
 - ii. A continuous hedge at least four feet high along the facade; and
 - iii. One shrub per 10 linear feet; or
- b. The architectural treatments required by Section 155.5605.C.1.a.

Response: The proposed design provides a 10 foot wide landscape buffer that meets the required specifications. The garages architectural treatments comply with Section 155.5605.C.1.a.

Sec. 155.5802 | Sustainable Development Standards | Sustainable Development Point Requirement

- A. Applicability. All applications for approval of a Major Site Plan for multifamily residential, nonresidential, and mixed-use development shall incorporate a sufficient number of sustainable design options from Table 155.5802, Sustainable Development Options and Points, to demonstrate achievement of the minimum number of points required below for the specific type of development.

1. Multifamily residential development shall achieve at least ten points.

Response: N/A.

2. Nonresidential and mixed-use development in the Transit-Oriented (TO) district shall achieve at least 18 points.



Response: N/A.

3. Nonresidential and mixed-use development in all other districts shall achieve at least 12 points.

Response: Understood. The proposed mixed-use development shall achieve at least 12 points.

- B. Sustainable Development Options. Table 155.5802, Sustainable Development Options and Points, sets forth a range of sustainable site and building design features and the number of points achieved by incorporating each design feature (or specified levels of the design feature).

Response: A minimum of 12 points is required for mixed-use development, which will be provided by the following features:

- Efficient Cooling
- Hurricane Resistant Structures
- Infill or Mixed-Use Development
- Parking Structure
- White Roof