



**ADMINISTRATIVE MEMORANDUM NO. 18 - 152**

DATE: April 16, 2018

TO: Planning and Zoning Board

VIA: David Recor, ICMA-CM, Director of Development Services   
Jennifer Gomez, AICP, Assistant Director of Development Services 

FROM: Paola A. West, Principal Planner

RE: Chapter 155 Zoning Code- Miscellaneous Amendments

**Background**

To further strengthen Pompano Beach as a “Preferred Place to do Business” and to enhance the City’s reputation as being “business friendly”, Development Services staff has hosted 2 roundtable forums: one in August 2017 and the most recent in March 2018. The purpose of these forums was to obtain developer and development community input regarding development processes and zoning requirements. With the input obtained, Development Services staff then assessed requirements and processes to identify where additional improvements can or should be made. The text amendments presented herein include changes that stem from suggestions made at the roundtable forums as well as staff recommendations that remove burdensome processes for more streamlined methods. Staff also utilized this amendment to prepare other housekeeping type edits in order to clarify the code and/or to reflect existing policies and interpretations.

The goal of the combined changes presented is to clean up minor scrivener’s errors, make requirements and processes clearer for a more streamlined approval, and to further clarify policies that are already being implemented.

**Text Amendments**

The attached text amendments include changes to Article 2, Article 4, Article 5, and Appendix C: Fee Schedule. The following table lists and briefly describes the proposed changes. Attached is also the ~~Strike-Through~~ & Underline draft of the code amendments for your reference.

Page	Section	Change
1	155.2205. B. 1.	Article 2: Added “Major Building Design – Vernacular or Superior Design Alternative” as an application decision for the Architectural Appearance Committee (AAC). Adding the word “Superior Design Alternative” further clarifies that the AAC can grant alternatives for architectural design that are superior but are not necessarily an <i>alternative vernacular</i> . This change is

		consistent with the criteria found within Article 5, the AAC supplemental criteria, and is current practice.
2	Table 155.2407. B. 1	Article 2: Struck Major Site Plan requirement thresholds for properties owned by the City. Unlike private property, currently, City owned property has the additional requirement to process every addition, regardless of size, in accordance with the procedural requirements of a Major Site Plan. The amendment will allow properties owned by the City to follow the same site plan thresholds that are currently in place for non-City owned properties. This is a proposed new practice.
2-3	155.2407. B. 3	Article 2: Modified exemptions for minor site plan approval in order to allow minor development to file through permitting and not require site plan approval prior to permitting. This is a proposed new practice.
6	155.2407. E. 5	Article 2: Modified one of the site plan review standards to include language referring to compliance with approved plans on record. This reflects current practice.
6	155.2407. H	Article 2: Modified minor deviation standards for site plans in order to allow increases or decreases in nonresidential development and changes that do not impact the overall character of the project without having to file for a new site plan approval. This is a proposed new practice.
7	Table 155.2408. B.1	Article 2: Modified Major Building Design requirement thresholds to apply to larger-scaled landscape projects. This is a proposed new practice.
7	Table 155.2408. B.1	Article 2: Struck Major Building Design requirement thresholds for properties owned by the City. This will allow properties owned by the City to follow the same building design thresholds that are currently in place for non-City owned properties. This is a proposed new practice.
8	155.2408. B.2	Article 2: Clarified Minor Building Design is required for "substantial" changes to the exterior of existing buildings, rather than minor changes such as window replacements or shade awnings. This reflects current practice.
10	155.2408. E	Article 2: Modified building design approval review standards to remove references to signage or CH 156 Sign Code. This reflects current practice.
11	155.2408. F	Article 2: Modified Major Building Design – Vernacular Alternative to also include a Superior Design Alternative. Adding the word "Superior Design Alternative" further clarifies that the AAC can grant alternatives for architectural design that are superior but are not necessarily an alternative vernacular. This change reflects current practice.
11	155.2408 F. 2.	Article 2: Referenced the adopted AAC Supplemental criteria for applications for Major Building Design – Vernacular or Superior Design Alternative. This change reflects current practice.
11	155.2408. I.	Article 2: Modified expiration for Major Building Design from one to two years. This is a proposed new practice in order to be consistent with the 2-year expiration of site plan approval.
12	155.2410	Article 2: Revised language for deviations from an approved plat in order to allow for minor deviations to be approved by

		the Development Services Director. The purpose of the plat amendments are twofold: they intend to lessen the burden on the City Commission by authorizing the Development Services Director to make final decisions on minor plat note amendments, NVAL amendments, Findings of Adequacy (FOA) renewals, and approved conditions of approval as well as create a simpler, expedited approval process for the applicant. Amendments that exceed the established thresholds or considered to be of a more significant impact will still follow the standard process of final approval by City Commission. This is a proposed new practice.
12-13	155.2412. A.	Article 2: Clarified language regarding the purpose of Temporary Use Permits. This reflects current practice.
13	155.2412. B.	Article 2: Clarified language regarding the applicability of Major Temporary Use Permits. This reflects current practice.
14	Table 155.2421. B.1.	Article 2: Modified minor and major percentages for some TO-zoned regulations. This change allows for 10% minor administrative adjustments to be granted for front property line access, floor plate size above the 5 <sup>th</sup> floor, ground floor active use liner depth, and maximum building length whereas none are currently permitted. This change also allows for major administrative adjustments to be granted for 15% front property line access and floor plate size above the 5 <sup>th</sup> floor, (where as 10% is currently permitted for both standards), and 20% for maximum building length (whereas 10% is currently permitted). This is a proposed new practice.
15	155.4302. B.	Article 4: Clarified language regarding removing accessory structures after a principal use is removed. Additionally, clarified language regarding setback measurements for accessory uses and structures abutting a waterway or canal. Both changes reflect current practice.
18	155.5102. C. 3. a.	Article 5: Added language to clarify that, unless otherwise approved, required off-street parking is to be located on the same parcel of land that the facilities are intended to serve. This reflects current practice.
19	155.5102 C. 4. b.	Article 5: Clarified language to allow single striping for triplexes and fourplexes. This reflects current practice.
20	Table 155.5102. D. 1.	Article 5: Added parking requirements for Limited Auto Dealership – Fleet Automobile Sales, which is a recently adopted use. This is a new proposed practice.
20-21	155.5203. A. 2.	Article 5: Revised retroactive landscape requirements to reference a year rather than a date, to reference properties without an approved landscape plan, to reference the ground-mounted mechanical equipment screening and commercial container screening sections, and to add language regarding constrained properties. This reflects a new proposed practice but solely for the referenced year and not for the screening references.
21-25	155.5301	Article 5: Revised language regarding screening and location of mechanical equipment and commercial containers. This change will simplify review and requirements for mechanical equipment and dumpster screening (for existing and new

			development). This is a new proposed practice.
25	155.5203. A. 3.		Article 5: Clarified language regarding site restoration requirements for properties that “have been” demolished, whereas language currently addressed sites that “are being” demolished. This reflects current practice.
27	155.5603. F. 2.		Article 5: Revised language regarding industrial developments with overhead, sliding glass, removable panel, or similar doors facing specific streets. This change reflects a more liberal approach to industrial developments in order to allow these types of doors to face a local street but not an arterial or collector. Currently language prohibits these doors from facing any street.
27	155.5603. G.		Article 5: Revised language regarding industrial developments with metal or untreated facades facing specific streets or adjacent residential uses. This change reflects a more liberal approach to industrial developments in order to allow metal on a façade to face a local street, but not an arterial, collector, or adjacent residential use. Currently, language prohibits this material from facing any street, adjacent residential, institutional, or commercial use.
27	155.5902. A.		Article 5: Clarified language regarding general maintenance requirements. This does not affect any practice, but rather clarifies the language which was missing a few words.
28-31	Appendix C: Schedule	Fee	<p>Added new fees as follows:</p> <ul style="list-style-type: none"> <li>• Zoning letter fees - clarified an inconsistency</li> <li>• Mixed Use Fees: Site plan and rezoning application fees are currently broken up into two categories: Residential or Commercial. As a housekeeping item, staff is creating a new category for Mixed Use.</li> <li>• Traffic Study Fees: With the passage of the East Overlay District, there are new requirements for transportation studies. These studies would require the review and analysis from a transportation engineer. Each fee will cover both city costs and cost recovery for a transportation consultant. The fee is broken up into two separate fees (1) the trip generation to review if the number of trips would require a full traffic study, and (2) review/comment of the full traffic study.</li> <li>• Air Park Obstruction: With the creation of the new Air Park Obstruction application, fees to be added to cover both staff fees to process the application as well cost recovery deposit to cover consultant engineering fees for meetings, review, and staff report.</li> <li>• Post Decision Action: New fee added to cover processing of applications that require post decision actions (i.e. Extensions of Time, Modification of Development Orders, Requests to Waive Time Limitations on Subsequent Similar Applications).</li> </ul>



**Staff Request**

Staff recommends approval of the draft code amendments.

## 155.2205. ARCHITECTURAL APPEARANCE COMMITTEE (AAC)

### **A. Establishment**

The Architectural Appearance Committee (AAC) is hereby established in accordance with state law.

### **B. Powers and Duties**

The AAC shall have the following powers and duties under this Code:

#### **I. Decide Applications for Development Permit**

To review and decide the following applications for a development permit:

- a. Major Building Design (Sec. [155.2408](#));
- b. Master Sign Program (Sec. [155.2416](#)); and
- c. Appeal of a decision of the Development Services Director on an application for Minor Building Design (Sec. [155.2424](#)).
- d. Major Building Design - Vernacular or Superior Design Alternative

#### **2. Other Powers and Duties**

- a. To carry out any other powers and duties delegated to it by the City Commission, consistent with state law.

### **C. Membership, Appointment, and Terms of Office**

#### **I. Membership and Appointment**

- a. The AAC shall consist of six regular voting members and two alternate members, appointed by resolution of the City Commission as a whole.
- b. Each regular voting member and alternate member shall be either a resident of the city or a practicing architect whose principal place of business is within the city.
- c. At least two regular voting members shall be architects registered in the State of Florida, and at least one regular voting member shall be a landscape architect registered in the State of Florida. Remaining regular voting members shall be a Florida-registered architect, Florida-registered landscape architect, Florida-registered professional engineer, planner, building contractor, Florida-registered real estate sales person or broker, or a person possessing a background similar to the occupations listed above.
- d. If feasible, at least one alternate member shall be a Florida-registered architect.
- e. Regular voting members and alternate members shall serve without compensation.

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Note to Staff: Revise AAC Supplemental Criteria and if an ORD/RESO needs to be revise

## 155.2407. SITE PLAN

### **A. Purpose**

The site plan provisions of this section are intended to ensure that the layout and general design of proposed development is compatible with surrounding uses and complies with all applicable standards in this Code and all other applicable city regulations. The purpose of this section is to establish the procedure and standards for review of site plans.

### **B. Applicability**

There are two types of Site Plans authorized by this Code: Major Site Plans and Minor Site Plans.

#### **I. Major Site Plan**

Unless exempted in accordance with subsection 3 below, a development order for a Major Site Plan in accordance with this section is required before issuance of a Zoning Compliance Permit for the development listed in [Table 155.2407.B.1](#):

**Note: This table is best viewed in PDF, click [HERE](#)**

**TABLE 155.2407.B.1: MAJOR SITE PLAN APPLICABILITY**

TABLE 155.2407.B.1: MAJOR SITE PLAN APPLICABILITY				
Property owned by the city	All new free-standing buildings and all new attached additions.			
	RESIDENTIAL USE		NONRESIDENTIAL USE	
Designated Brownfield Area or Brownfield site	<b>New Development</b>	More than 15 new multifamily dwelling units	<b>New Development</b>	More than 7,500 sq ft gfa
	<b>Existing Development</b>	Addition of more than 15 new multifamily dwelling units	<b>Existing Development that is 7,500 sq ft gfa or less</b>	An addition that results in development that contains more than 7,500 sq ft gfa
			<b>Existing Development that is more than 7,500 sq ft gfa</b>	One of the following, whichever is less: <ul style="list-style-type: none"> <li>An addition that adds more than 37,500 sq ft gfa.</li> <li>An addition that increases the amount of lot coverage of such existing development by more than 37.5%.</li> <li>An addition that increases the gross floor area of the primary building of such existing development by more than 37.5%.</li> </ul>
All Other Property Types	<b>New Development</b>	More than 10 new multifamily dwelling units	<b>New Development</b>	More than 5,000 sq ft gfa
	<b>Existing Development</b>	Addition of more than 10 new multifamily dwelling units	<b>Existing Development that is 5,000 sq ft gfa or less:</b>	An addition that results in development that contains more than 5,000 sq ft gfa
			<b>Existing Development that is more than 5,000 sq ft gfa:</b>	One of the following, whichever is less: <ul style="list-style-type: none"> <li>An addition that adds more than 25,000 sq ft gfa.</li> <li>An addition that increases the amount of lot coverage of such existing development by more than 25%.</li> <li>An addition that increases the gross floor area of the primary building of such existing development by more than 25%.</li> </ul>

**2. Minor Site Plan**

Unless exempted in accordance with subsection 3 below, a development order for a Minor Site Plan in accordance with this section is required before issuance of a Zoning Compliance Permit for any development other than those for which a Major Site Plan is required in accordance with subsection 1 above.

**3. Exemptions**

The following development shall be exempted from the requirements of this section:

- a. Development of a single-family dwelling on a single-family lot recorded on or before February 2, 1990;
- b. Development of a two-family dwelling;



— b. Construction of a single-family dwelling on a lot that is part of a subdivision for which plat approval was obtained before January 1, 2013;

c. Alteration or addition to an existing single-family dwelling;

d. Alteration or addition to an existing two-family dwelling;

d e. A change in use or alteration of an existing development that does not increase the size of a ~~structure~~ totally and permanently enclosed building or require additional ~~off-street parking~~ or significant modifications to parking, site landscaping, layout, or traffic circulation patterns;

f. An alteration of an existing development, regardless of area and/or lot coverage, that involves the addition or replacement of mechanical rooms, equipment rooms, storage sheds, minor utility uses, and similar structures solely intended for utility purposes, subject to the discretion of the Development Services Director.

e.g. Development requiring only a Tree Permit; and

f. h. Development of a Temporary Use or Interim Use, provided that an applicable Temporary Use Permit or Interim Use Permit has been approved.

### **C. Major Site Plan Approval Procedure**

#### **1. Step 1: Pre-Application Conference**

Applicable (See Section [155.2301](#).).

#### **2. Step 2: Neighborhood Meeting**

Optional (See Section [155.2302](#).).

#### **3. Step 3: Application Submittal and Acceptance**

Applicable (See Section [155.2303](#).).

#### **4. Step 4: Staff Review and Action**

Applicable to a recommendation by the Development Service Director, following DRC review and comment (See Section [155.2304](#).).

#### **5. Step 5: Public Hearing Scheduling and Notice**

Not applicable.

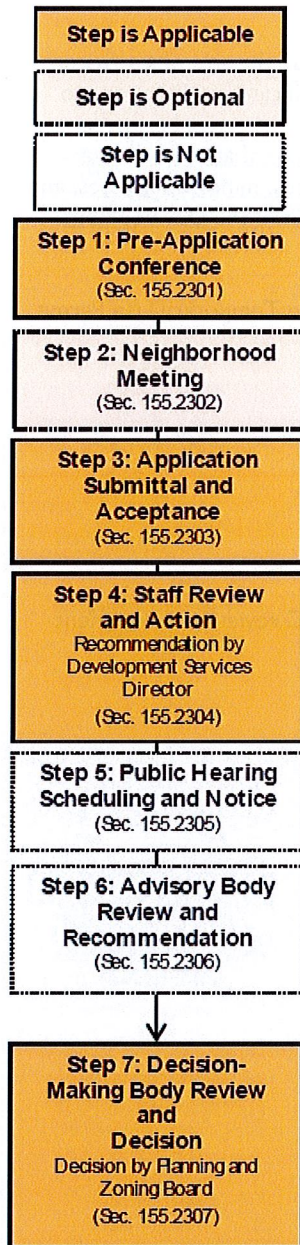
#### **6. Step 6: Advisory Body Review and Recommendation**

Not Applicable.

#### **7. Step 7: Decision-Making Body Review and Decision**

Applicable to a final decision by the P&Z (See Section [155.2307](#).).

## Major Site Plan Approval



### D. Minor Site Plan Approval Procedure

#### 1. Step 1: Pre-Application Conference

Optional (See Section [155.2301](#).)

#### 2. Step 2: Neighborhood Meeting

Optional (See Section [155.2302](#).)

#### 3. Step 3: Application Submittal and Acceptance

Applicable (See Section [155.2303](#).)

#### 4. Step 4: Staff Review and Action

Applicable to a final decision by the Development Services Director, following DRC review and comment (See Section [155.2304](#).)

#### 5. Step 5: Public Hearing Scheduling and Notice



Not Applicable.

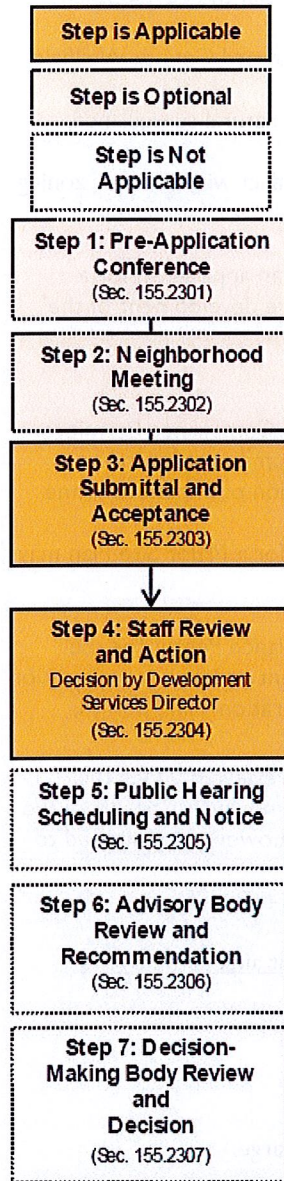
**6. Step 6: Advisory Body Review and Recommendation**

Not Applicable.

**7. Step 7: Decision-Making Body Review and Decision**

Not Applicable.

**Minor Site Plan  
Approval**



**E. 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:

1. Is consistent with the comprehensive plan;
2. Complies with the applicable district, use, and intensity and dimensional standards of this Code ([Articles 3, 4, and 5](#));
3. 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, of [Article 5](#), 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;

4. Complies with all other applicable standards in this Code;
5. Complies with all requirements or conditions of any prior applicable development orders or prior applicable approved plans on record;
6. Is issued a concurrency review certificate in accordance with [Chapter 154](#) (Planning) of the Code of Ordinances ;
7. Is designed to provide safe, adequate, paved vehicular access between buildings within the development and streets as identified on the Broward County Trafficways Plan;
8. Complies with any applicable hazardous material licensing requirements in the Broward County Wellfield Protection Ordinance;
9. Complies with crime prevention security strengthening and CPTED standards for natural surveillance, natural access control, territorial reinforcement, maintenance, and activity support; and
10. Complies with the approved Transportation Corridor Study, unless in direct conflict with another zoning code provision.

#### **F. Effect of Approval**

A development order for a Major Site Plan or Minor Site Plan authorizes the submittal of an application for a Zoning Compliance Permit and any other development permit that may be required before development of the land.

#### **G. Expiration**

##### **1. Major Site Plan**

a. A development order for a Major Site Plan shall automatically expire if a Zoning Compliance Permit for the authorized development is not obtained within two years after the date of the development order, or an extension of this time period authorized in accordance with Section [155.2308.B.2](#), Extension of Expiration Time Period.

b. A denial of a request to extend the expiration period for a development order for a Major Site Plan may be appealed to the City Commission in accordance with Section [155.2424](#), Appeal.

##### **2. Minor Site Plan**

A development order for a Minor Site Plan shall automatically expire if a Zoning Compliance Permit for the authorized development is not obtained within two years after the date of the development order, or an extension of this time period authorized in accordance with Section [155.2308.B.2](#), Extension of Expiration Time Period.

#### **H. Minor Deviations**

Subsequent applications for a Zoning Compliance Permit, or other development permits reviewed under this Code, for development authorized by a development order for a Site Plan, may include minor deviations from the approved plans and conditions without the need to amend the Site Plan. Such deviations, however, are limited to changes that the Development Services Director determines would not:

1. Increase or significantly decrease the density of residential development; ~~or gross square footage of nonresidential development;~~
2. Increase or significantly decrease the intensity of non-residential development that affects the overall character of the project;
2. Increase or decrease the number of building stories;
3. Materially alter the drainage, streets, or other engineering design;
4. Adversely impact the management of stormwater quality or stormwater quantity;
5. Substantially affect the terms of the original approval; or
6. Result in significant adverse impacts on the surrounding properties or the city at large.

##### **I. Amendment**

Any modifications of development subject to a Site Plan other than those authorized by Section [155.2407.H](#), Minor Deviations, shall require amendment of the Site Plan in accordance with Section [155.2308.C](#), Modification or Amendment of Development Order.

(Ord. 2012-64, passed 9-11-12; Am. Ord. [2013-37](#), passed 1-22-13; Am. Ord. [2013-55](#), passed 5-14-13; Am. Ord. [2013-73](#), passed 7-23-13; Am. Ord. [2014-16](#), passed 1-28-14; Am. Ord. [2014-33](#), passed 4-22-14; Am. Ord. [2015-75](#), passed 9-8-15)

## **155.2408. BUILDING DESIGN**

### **A. Purpose**



The building design provisions of this section are intended to ensure that the exterior appearance of buildings and structures enhances the aesthetic character of the surrounding development by complying with the architectural appearance standards of this Code and approved design guidelines. The purpose of this section is to establish procedures and standards for the review of applications for Building Design .

**B. Applicability**

There are two types of development permits for Building Design authorized by this Code: Major Building Design and Minor Building Design .

**I. Major Building Design**

Unless exempted in accordance with subsection 3 below, a development order for Major Building Design in accordance with this section is required before issuance of a Zoning Compliance Permit for the following development:

**Note:** This table is best viewed in PDF, click [HERE](#)

TABLE 155.2408.B.1: MAJOR BUILDING DESIGN APPLICABILITY						
		RESIDENTIAL USE		NONRESIDENTIAL USE		
<b>All property</b>	Landscape projects of at least 10,000 sq ft. All new Institutional: Open Space Uses identified in section 155.4210, of at least 10,000 sq. ft.					
<b>Property owned by the city</b>	All new free-standing buildings and all new attached additions.					
<b>Property abutting a designated arterial or collector road as defined by the Broward County Trafficways Plan</b>	All new free standing buildings and all new attached additions facing or visible from the roadway. New free standing buildings or attached additions that are not facing or visible from the roadway shall comply with other applicable thresholds below.					
<b>Designated Brownfield Area or Brownfield Site</b>	<b>New Development</b>	More than 15 new multifamily dwelling units	<b>New Development</b>	More than 7,500 sq ft gfa		
	<b>Existing Development</b>	Addition of more than 15 new multifamily dwelling units	<b>Existing Development that is 7,500 sq ft gfa or less</b>	An addition that results in development that contains more than 7,500 sq ft gfa		
			<b>Existing Development that is more than 7,500 sq ft gfa</b>	One of the following, whichever is less: <ul style="list-style-type: none"> <li>• An addition that adds 37,500 sq ft gfa.</li> <li>• An addition that increases the amount of lot coverage of such existing development by more than 37.5%.</li> <li>• An addition that increases the gross floor area of the primary building of such existing development by more than 37.5%.</li> </ul>		
	<b>All Other Property Types</b>	<b>New Development</b>	More than 10 new multifamily dwelling units	<b>New Development</b>	More than 5,000 sq ft gfa	
<b>Existing Development</b>		Addition of more than 10 new multifamily dwelling units	<b>Existing Development that is 5,000 sq ft gfa or less:</b>	An addition that results in development that contains more than 5,000 sq ft gfa		

			<p><b>Existing Development that is more than 5,000 sq ft gfa:</b></p>	<p>One of the following, whichever is less:</p> <ul style="list-style-type: none"> <li>• An addition that adds more than 25,000 sq ft gfa.</li> <li>• An addition that increases the amount of lot coverage of such existing development by more than 25%.</li> <li>• An addition that increases the gross floor area of the primary building of such existing development by more than 25%.</li> </ul>
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**2. Minor Building Design**

Unless exempted in accordance with subsection 3 below, a development order for Minor Building Design in accordance with this section is required before issuance of a Zoning Compliance Permit for a new building or structure, or any substantial change to the exterior of an existing building or structure, that is associated with any development other than those for which a development order for Major Building Design is required in accordance with subsection 1 above.

**3. Exemptions**

The following development shall be exempted from the requirements of this section:

- a. Construction or alteration of a single-family dwelling or two-family dwelling; or
- b. Development of a temporary use or interim use, provided that an applicable Temporary Use Permit or Interim Use Permit has been approved.

**C. Major Building Design Approval Procedure**

**1. Step 1: Pre-Application Conference**

Applicable (See Section [155.2301](#).)

**2. Step 2: Neighborhood Meeting**

Optional (See Section [155.2302](#).)

**3. Step 3: Application Submittal and Acceptance**

Applicable (See Section [155.2303](#).)

**4. Step 4: Staff Review and Action**

Applicable to a recommendation by the Development Services Director (See Section [155.2304](#).)

**5. Step 5: Public Hearing Scheduling and Notice**

Not applicable.

**6. Step 6: Advisory Body Review and Recommendation**

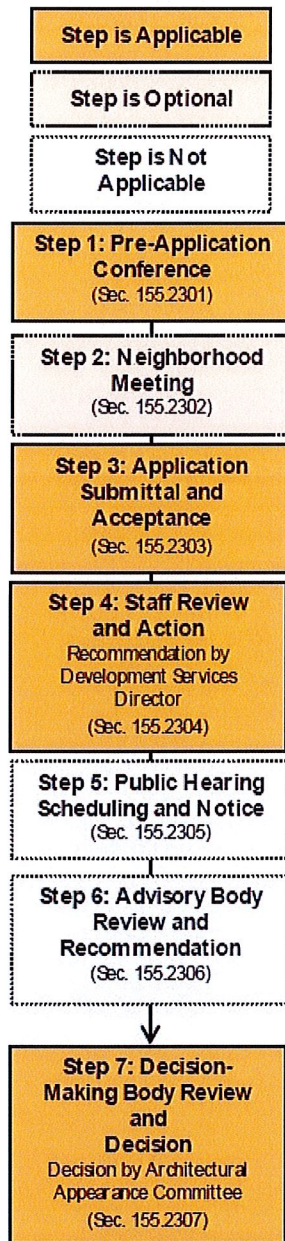
Not Applicable.

**7. Step 7: Decision-Making Body Review and Decision**

Applicable to a final decision by the AAC (See Section [155.2307](#).) Except that the AAC may, in conjunction with approval of a Major Building Design application, waive certain standards in accordance with [155.2408.F](#), Major Building Design - Vernacular Alternative.



## Major Building Design Approval



### D. Minor Building Design Procedure

1. **Step 1: Pre-Application Conference**  
Optional (See Section [155.2301](#)).
2. **Step 2: Neighborhood Meeting**  
Not applicable.
3. **Step 3: Application Submittal and Acceptance**  
Applicable (See Section [155.2303](#)).
4. **Step 4: Staff Review and Action**  
Applicable to a final decision by the Development Services Director (See Section [155.2304](#)).
5. **Step 5: Public Hearing Scheduling and Notice**  
Not Applicable.
6. **Step 6: Advisory Body Review and Recommendation**  
Not Applicable.



## 7. Step 7: Decision-Making Body Review and Decision

Not Applicable.

Minor Building

Design Approval



### E. Building Design Approval Review Standards

An application for Major Building Design or Minor Building Design shall be approved only on a finding that there is competent substantial evidence in the record that the exterior design and appearance of the proposed building, or structure, ~~or sign~~:

1. Complies with the applicable design standards in Section [155.3703.F](#) and [Article 5](#);
2. Complies with any approved design guidelines that are applicable to the area or type of structure, including the adopted AAC supplemental Criteria;
3. Complies with CPTED Standards for natural surveillance, natural access control, territorial reinforcement, and maintenance;
4. ~~Complies with the [Ch 156](#): Sign Code, if applicable;~~
5. 4. Complies with the approved Transportation Corridor Study, unless in direct conflict with another zoning code provision, if applicable; and

6-5. Additionally, any application for Minor Building Design not required to comply with the Design Standards in [Part 6 of Article 5](#); shall be approved only on a finding that there is competent substantial evidence in the record that the exterior design and appearance of the building or structure is cohesive, consistent, and complimentary to the existing vernacular design.

**F. Major Building Design - Vernacular or Superior Design Alternative**

1. In conjunction with approval of an application for Major Building Design, the AAC may grant requested deviations for buildings and development which, due to their vernacular design, may not be able to comply with the strict application of the design standards listed in Sections [155.3703.F.7](#), [155.5601](#), [155.5602](#), and [155.5603](#). However, in no case shall the AAC grant a deviation from the following standards:

**a. Multifamily Residential Design Standards**

- i. [155.5601.C.2](#), Maximum Building Size
- ii. [155.5601.C.7](#), Location of Off-Street Parking
- iii. [155.5601.C.8](#), Outdoor Activity Areas

**b. Commercial, Institutional and Mixed-Use Development Design Standards**

- i. [155.5602.C.1](#), Business Activities to be Conducted in Enclosed Buildings
- ii. [155.5602.C.10](#), Loading, Service, and Equipment Areas
- iii. [155.5602.D](#), Large Retail Establishment Design Standards

**c. Industrial Development Design Standards**

- i. [155.5603.E](#), Facade Articulation
- ii. [155.5603.G](#), Building Facade Materials

**d. 155.5604, Residential Compatibility Standards**

2. The applicant must present competent substantial evidence that the vernacular design achieves the purpose and intent of the applicable standards in [Part 6 of Article 5](#) and in the adopted AAC Supplemental Criteria. Competent substantial evidence shall be supported by published material defining the design vernacular and style, or superior design.

3. A development that otherwise meets the applicability for Minor Building Design approval, but requests a waiver from the design standards in subsection 1 above, shall only seek the Vernacular Alternative waiver through the Major Building Design procedure.

**G. Appeal**

**1. Major Building Design**

A party aggrieved by the final decision of the AAC on an application for Major Building Design may appeal the decision to the City Commission in accordance with the procedures and standards in Section [155.2424](#), Appeal.

**2. Minor Building Design**

A party aggrieved by the final decision of the Development Services Director on an application for Minor Building Design may appeal the decision to the AAC in accordance with the procedures and standards in Section [155.2424](#), Appeal.

**H. Effect of Approval**

A development order for Major Building Design or Minor Building Design authorizes the submittal of an application for a Zoning Compliance Permit and any other development permit that may be required before construction or other development approved by the development order.

**I. Expiration**

A development order for Major Building Design or Minor Building Design shall automatically expire if a Zoning Compliance Permit for the authorized development is not obtained within ~~one-year~~ two years after the date of the development order, or an extension of this time period authorized in accordance with Section [155.2308.B.2](#), Extension of Expiration Time Period.

(Ord. 2012-64, passed 9-11-12; Am. Ord. [2013-37](#), passed 1-22-13; Am. Ord. [2013-73](#), passed 7-23-13; Am. Ord. [2015-75](#), passed 9-8-15)

**155.2410. PLAT**

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### **G. Minor 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—~~minor deviations~~ amendments from the approved Plat, conditions of approval, and plat notes, ~~without the need to amend the Plat.~~ Such deviations, however, are limited to changes the Development Services Director determines would not substantially affect the terms of the original application:

#### (A) Minor Deviation

For all plat amendment applications and Findings of Adequacy (FOA) renewals authorized for administrative approval, the Development Services Director shall have the authority to issue final approval of said applications, however the Director has the discretion and authority to require City Commission review and approval for any plat amendment for which administrative approval is authorized.

The following plat amendment applications, which may or may not be in conjunction with an FOA renewal application, may be authorized for administrative approval by the Development Services Director:

- Plat note amendments with a decrease or no increase in the approved level of development
  - Plat note amendments for developments under 100 units and/or 100,000 square feet of non-residential gross floor area that increase the approved level of approved development by no more than 20%
  - Plat note amendments which re-allocate non-residential mixed uses that result in an increase in total gross floor area of up to 10% for developments of 100,000 or greater, or an increase in total gross floor area of up to 20% for developments under 100,000 gross floor area
  - Plat note amendments which re-allocate residential and non-residential mixed uses (such as residential/commercial/office), which result in less than a 20% increase in residential units for an approved development of up to 100 units and/or total non-residential gross floor area for an approved development under 100,000 square feet; increases beyond the aforementioned thresholds shall correlate with a reduction in other approved uses to offset the impacts of the proposed amendment, as determined by the Development Services Director
  - Amendments to the approved Non-Vehicular Access Line subject to the inclusion in the application of a valid approval letter from the Florida Department of Transportation for plats located on a State Road, and subject to subsequent approval by Broward County.
  - Amendments to previously approved conditions of approval required by Broward County in conjunction with an amendment to the Non-Vehicular Access Line or a plat note amendment application
- (B) Major Deviations: All other amendments Broward County determines would not require a new plat in accordance by the Broward County Administrative Rules shall be approved by Resolution.

### **H. Amendment**

Any modifications of an approved Plat other than the ~~minor 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. (Ord. 2012-64, passed 9-11-12; Am. Ord. [2015-75](#), passed 9-8-15)

## **155.2412. TEMPORARY USE PERMIT**

### **A. Purpose**

The purpose of this subsection is to provide a uniform mechanism for reviewing temporary uses of buildings or lands in the city that does not and structures to ensure they comply with the standards in [Part 4](#) (Temporary Uses and Structures) of [Article 4: Use Standards Chapter 155 Zoning Code.](#)

## B. Applicability

There are two types of Temporary Use Permit authorized by this Code: Major Temporary Use Permits and Minor Temporary Use Permits .

### I. Major Temporary Use Permits

A development order for a Major Temporary Use Permit in accordance with this section is required for any proposed temporary use of buildings or lands in the city set forth in [Part 4](#) (Temporary Uses and Structures) of [Article 4: Use Standards](#), or any temporary use that does not comply with the standards in Chapter 155 Zoning Code the Development Services Director determines would have potential major impacts on neighboring properties. Proposed temporary uses not set forth in [Article 4: Part 4](#) are required to obtain a Major Temporary Use Permit.

### 2. Minor Temporary Use Permits

A development order for a Minor Temporary Use Permit in accordance with this section is required for any proposed temporary use set forth in [Part 4](#) (Temporary Uses and Structures) of [Article 4: Use Standards](#), that the Development Services Director determines would have only minor impacts on neighboring properties. Proposed temporary uses not set forth in [Article 4: Part 4](#) are not eligible for a Minor Temporary Use Permit .

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## 155.2421. ADMINISTRATIVE ADJUSTMENT

### A. Purpose

An administrative adjustment is intended to allow minor variations, or adjustments, to certain dimensional or numerical standards of this Code based on specific criteria, with the intent of providing relief where application of a standard creates practical difficulties in allowing development that otherwise advances the purposes served by the standards of this Code and the comprehensive plan, and is compatible with surrounding development. An Administrative Adjustment is also intended to provide limited flexibility, in specific areas, to allow alternative design that is equal to or better than that afforded by strict application of certain dimensional or numerical standards. The purpose of this section is to establish procedures and standards for review of applications for Administrative Adjustments .

### B. Applicability

#### I. General

Administrative Adjustments may be requested to the standards identified in [Table 155.2421.B.1](#), Allowable Administrative Adjustments , up to the limit set forth in the table for the type of standard, the type of Administrative Adjustment (Major or Minor), and the zoning district within which the adjustment is requested.

## TABLE 155.2421.B.1: ALLOWABLE ADMINISTRATIVE ADJUSTMENTS

*Note: This table is best viewed in PDF, click [HERE](#)*



**TABLE 155.2421.B.1: ALLOWABLE ADMINISTRATIVE ADJUSTMENTS**

Standard	Maximum Allowable Extent of Adjustment		
	Minor Administrative Adjustment (All Zoning Districts)		Major Administrative Adjustment (AOD, TO, CRAO, and Non-Residential Districts)
	Development Within Atlantic Boulevard Overlay District or Redevelopment of Brownfield Site Within Designated Brownfield Area	Other Development	
Minimum yard setback or minimum lot width	30%	20%	40%
Maximum lot coverage	n/a	20%	40%
Minimum pervious area of lot or minimum pervious area of required front yard	30%	20%	40%
Maximum yard encroachment	30%	20%	40%
TO: Maximum Block Length and Perimeter	N/A	N/A	10%
TO: Front Property Line Access: 1 Per 250 Feet	N/A <u>10%</u>	N/A <u>10%</u>	+10% <u>15%</u>
TO: Minimum Lot Depth and Width	N/A	N/A	10%
TO: Floor Plate Size Above 5 <sup>th</sup> Floor	N/A <u>10%</u>	N/A <u>10%</u>	+10% <u>15%</u>
TO: Ground Floor Active Use Liner Minimum Depth (20-feet)	N/A <u>10%</u>	N/A <u>10%</u>	20%
TO: Maximum Building Length of 300-feet	N/A <u>10%</u>	N/A <u>10%</u>	+10% <u>20%</u>
TO/EOD: Active Use Required on Tertiary Streets in the Core and Center	N/A	N/A	20%
TO/EOD: Minimum Open Space size of 4,800 SF (not applicable to density bonus provision)	N/A	N/A	20%
Minimum stacking lane distance	20%	10%	30%
Minimum or maximum number of off-street parking or loading spaces	20%	10%	40%
Maximum percentage of shared or valet or tandem off-street parking spaces	20%	10%	30%
Minimum walking distance between shared or off-site parking spaces and pedestrian entrances of buildings they serve	20%	10%	30%



Minimum number of off-street bicycle spaces	20%	10%	30%
Minimum height of vegetation at planting	20%	10%	30%
Minimum number of site landscaping plantings	20%	10%	30%
Minimum vehicular use area perimeter landscaping strip width, plant height , or plant spacing	20%	10%	30%
Minimum vehicular use area landscaped median width	20%	10%	30%
Minimum landscaping area width between vehicular use areas and buildings	20%	10%	30%
Minimum spacing of building base shrubs	20%	10%	30%
Minimum perimeter buffer width or planting rate	20%	10%	30%
Minimum street tree planting rate or spacing	20%	10%	30%
Minimum screening height	1 ft	1 ft	3 ft
Maximum fence or wall height	1 ft	1 ft	3 ft
Maximum lighting height	10%	5%	20%
Minimum or maximum illumination level	10%	5%	20%
Maximum multifamily building size	10%	5%	20%
Maximum percentage of street frontage occupied by off-street parking beside a building	10%	5%	20%
Maximum percentage of large retail establishment off-street parking located between building and street it faces	10%	5%	20%

## 2. Major Administrative Adjustment

Developments located within the Atlantic Boulevard Overlay district (AOD), Transit-Oriented (TO) district, Community Redevelopment Area Overlay (CRAO) districts, and developments located in a Nonresidential district are eligible to apply for a Major Administrative Adjustment . The limit of a Major Administrative Adjustment are shown in Table 155.2421.B.1, Allowable Administrative Adjustments .

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## PART 3 ACCESSORY USES AND STRUCTURES

### 155.4302. GENERAL

#### B. General Standards for All Accessory Uses and Structures

##### 1. Relationship to Principal Use or Structure

a. Except as otherwise authorized in Section [155.4403](#)J, Temporary Use of an Accessory Structure as a Principal Dwelling, an accessory use or structure shall not be established or constructed before the establishment or construction of the principal use or structure.

b. If the principal use or structure is destroyed or removed, the accessory use or structure shall ~~no longer be allowed~~ be removed. This includes fences, except those allowed under section [155.5302.C.1 Fences Prohibited on Vacant Lots](#).

c. Unless otherwise provided for in a use-specific standard in [Article 4: Part 2](#), Principal Uses and Structures, or in Section [155.4303](#), Standards for Specific Accessory Uses and Structures, the maximum cumulative aggregate gross floor area of all accessory uses or structures on a parcel shall be 49% of the gross floor area of a principal building or use on the development site.

##### 2. Prohibited Location of Accessory Uses and Structures

Unless otherwise provided for in Section [155.4403](#) (Standards for Specific Accessory Uses and Structures), accessory uses and structures shall not be located within the following:

- a. Any platted or recorded easement;
- b. Any required landscape easement or buffer;
- c. An area over any known utility;
- d. An area designated as a fire lane or emergency access route on an approved site plan;
- e. An area designated as a parking area on an approved site plan;
- f. A required yard setback;
- g. In front of the principal structure;
- h. Within 15 feet of a property line abutting a waterway or canal; and
- i. Within 25 feet of a dune vegetation line.

##### **3. Required Setbacks, Maximum Height and other dimensional standards for Accessory Uses and Structures**

Unless otherwise provided for in Section [155.4403](#) (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 or structure.

#### C. Abbreviations Used in Accessory Use/Structure District Tables

In the tables designating the zoning districts in which an accessory use or structure is allowed, the following abbreviations apply:

1. An "A" indicates that the use or structure is allowable as an accessory use or structure by right in the corresponding zoning district, subject to compliance with Section [155.4302.B](#), General Standards for All Accessory Uses and Structures, any standards set forth for the specific use or structure, and all other applicable regulations of this Code.

2. A blank cell indicates that the use is prohibited as an accessory use or structure in the corresponding zoning district.

(Ord. 2012-64, passed 9-11-12; Am. Ord. [2013-37](#), passed 1-22-13; Am. Ord. [2013-73](#), passed 7-23-13; Am. Ord. [2014-16](#), passed 1-28-14; Am. Ord. [2016-53](#), passed 3-22-16)

## **155.5102. OFF-STREET PARKING AND LOADING**

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### **C. General Standards for Off-Street Parking and Loading Areas**

#### **1. Use of Parking and Loading Areas**

##### **a. Nonresidential Districts**

Off-street parking areas required by this section shall be used solely for the parking of licensed motorized vehicles in operating condition. Required parking spaces and loading berths may not be used for the display of goods for sale, or the sale, lease, storage, dismantling, or service of any vehicles, boats, motor homes, campers, mobile homes, building materials, equipment, or supplies.

##### **b. Residential Districts**

Except as otherwise provided in Section [155.4303.X](#), Parking or Storage of Motor Vehicles, Recreational Vehicles, Boats, or Trailers in Residential Zoning Districts, required off-street parking areas are to be used solely for the parking of licensed motor vehicles in operating condition.

##### **c. Identified as to Purpose and Location**


Off-street parking areas of three or more spaces and all off-street loading areas shall include painted lines, wheel stops, or other methods of identifying individual parking spaces and loading berths and distinguishing such spaces or berths from aisles.

#### **2. Surfacing**



Figure 155.5102.C.2.b: Use of pervious materials in a parking lot.



 Figure 155.5102.C.2.b: Use of pervious materials in a parking lot

**a. General**

Except as provided for in subsections b and c below, all off-street parking and loading areas shall be surfaced with asphalt, concrete, brick, stone, pavers, or an equivalent hard, dustless, and bonded surface material. Use of surfacing that includes recycled materials (e.g., glass, rubber, used asphalt, brick, block, and concrete) is encouraged. These surfaces shall be maintained in a smooth, well-graded, clean, orderly, and dust-free condition.

**b. Pervious or Semipervious Surfacing**

The use of pervious or semipervious parking area surfacing materials—including, but not limited to—pervious asphalt and concrete and open joint pavers may be approved for off-street paving and loading areas, provided such surfacing is subject to an on-going maintenance program (e.g., sweeping, annual vacuuming). Any pervious or semipervious surfacing used for aisles within or driveways to parking and loading areas shall be certified as capable of accommodating anticipated traffic loading stresses and maintenance impacts. Where possible, such materials should be used in areas proximate to and in combination with on-site stormwater control devices. (See [Figure 155.5102.C.2.b](#), Use of pervious materials in a parking lot.)

**c. Gravel Used for Existing Single-Family Parking Area**

Gravel used for legally existing driveways and accessways serving single-family dwellings shall be accepted as an approved hard surface as provided for in subsection a above. However this section shall not be construed as to permit any new usage of gravel.

**3. Location and Arrangement**

**a. Safe and Convenient Access**

i. Off-street parking and loading areas shall be arranged for convenient access between an adjacent street and all parking spaces and loading berths to facilitate ease of mobility, ample clearance, and safety of vehicles and pedestrians. Each off-street parking space and loading berth shall have adequate, unobstructed means for the ingress and egress of vehicles.

ii. Except for parking areas serving single-family, two-family, triplex, fourplex, and mobile home dwellings, off-street parking areas shall be arranged so no parking or maneuvering incidental to parking shall occur on a public street or sidewalk.

iii. Except for parking areas serving single-family, two-family, and mobile home dwellings, off-street parking areas shall be arranged so an automobile may be parked or unparked without moving another automobile (unless within an automated or mechanical parking deck or garage or part of valet or tandem parking in accordance with Section [155.5102.j](#), Off-Street Parking Alternatives).

iv. Off-street loading areas shall be arranged so no loading berth extends into the required aisle of a parking lot.

v. The off-street parking facilities required under this chapter shall be located on the same lot or parcel of land the facilities are intended to serve, unless permissible in accordance with all applicable provisions of section 155.5102.j, Off-Street Parking Alternatives.

**b. Backing onto Streets Prohibited**

Except for parking areas serving single-family, two-family, triplex, fourplex, and mobile home dwellings, all off-street parking and loading areas shall be arranged so that no vehicle is required to back out from such areas directly onto a street. However, for all use types, off-street parking may be arranged to allow for back out onto alleys subject to demonstration adequate back-out distance.

**4. Markings**

a. Except for parking areas serving single-family, two-family, triplex, fourplex and mobile home dwellings, each required off-street parking area and space, and each off-street loading area and berth, shall be identified by double striping as well as other surface markings that are arranged to provide for orderly and safe loading, unloading, parking, and storage of vehicles. Such markings—including directional arrows, lettering on signs and in handicapped-designated areas, and labeling of the pavement—shall be maintained so as to be readily visible at all times.

b. Each required off-street parking area serving triplex and fourplex shall may be identified with single striping.

**5. Slope**

All off-street parking and loading areas shall be constructed on a lateral incline of not more than three percent and a longitudinal incline of not more than ten percent beyond the adjacent roadway or sidewalk level.

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**D. Off-Street Parking Space Requirements**

**I. Minimum Number of Off-Street Parking Spaces**

Except as otherwise provided for multiple use developments (See Section [155.5102.D.3](#) below.), or new development within the Atlantic Boulevard Overlay district (See Section [155.3703.E.2.](#)) or the Northwest Community Redevelopment Area (See Section [155.5102.D.4](#) below.), or as expressly exempted elsewhere in this Code, new development shall provide the minimum number of off-street parking spaces in accordance with [Table 155.5102.D.1](#), Minimum Number of Off-Street Parking Spaces, based on the principal use(s) involved and the extent of development. Interpretation of the off-street parking space requirements for uses with variable parking demands or unlisted uses is provided in Section [155.5102.D.2](#), Uses with Variable Parking Demand Characteristics and Unlisted Uses.

**TABLE 155.5102.D.1: MINIMUM NUMBER OF OFF-STREET PARKING SPACES**

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**(Note to Staff: PDF must be updated)**

TABLE 155.5102.D.1: MINIMUM NUMBER OF OFF-STREET PARKING SPACES		
Use Category	Use Type	Minimum Number of Parking Spaces <sup>1,2,3</sup>
...		
<b>Commercial Uses</b>		
Motor Vehicle Sales and Service Uses	Automotive painting or body shop	1 per 500 sq ft
	Automotive parts sales without installation	1 per 300 sq ft
	Automotive parts sales with installation	
	Automotive repair and maintenance facility	1 per 500 sq ft
	Automotive wrecker service	
	Battery exchange station	



	Car wash or auto detailing	
	Gasoline filling station	2 spaces + 1 per gas pump
	New Automobile and Light Truck sales	1 per 400 sq ft of indoor sales display area and office space
	Used Automobile and Light Truck sales with indoor display only	
	Used Automobile and Light Truck sales with outdoor display	
	Automobile and Light Truck rental	
	Muffler/transmission sales and installation	1 per 500 sq ft
	Parking deck or garage (as principal use)	n/a
	Parking lot (as principal use)	n/a
	Taxi service facility	1 per 400 sq ft of office space
	Tire sales and mounting	1 per 500 sq ft
	Heavy Truck/recreational vehicle/trailer repair and servicing	
	Heavy Truck/recreational vehicle/trailer sales	1 per 400 sq ft of indoor sales display area and office space
	Heavy Truck/recreational vehicle/trailer rental	
	Limited Auto Dealership - Fleet Automobile Sales	
...	...	...

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## 155.5203. 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.

#### 2. Existing Development

 a. **Development without a prior landscape plan approved on record, or ~~E~~ existing prior to ~~on or Before October 30, 1973~~ 1974**

i. Any development, other than a single-family dwelling, without an approved landscape plan on record, or that was existing ~~on or before October 30, 1973~~ prior to 1974 shall comply with the following retroactive standards by August 24, 1999.

(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.

(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.

(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.
- (2) One tree per 30 lineal feet along the length of the landscape strip.
- (3) Grass or other ground cover in the remaining area of the landscape strip.

~~\_\_\_\_\_ (D) Ground-mounted mechanical equipment shall be screened in accordance with section 155.5301.A.2.~~

~~\_\_\_\_\_ (D) Exterior commercial containers shall be screened in accordance with section 155.5301.C.1.b.~~

ii. 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.

iii. 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.

iv. 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.

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## 155.5301. SCREENING

### A. Screening of Mechanical Equipment

#### I. Applicability Definition

##### ~~\_\_\_\_\_ a. New Development~~

~~\_\_\_\_\_ i. The following exterior mechanical equipment and similar features shall be screened from view from adjacent streets and properties in accordance with the standards of this subsection:~~

~~\_\_\_\_\_ (A) Electrical and gas-powered mechanical equipment and power systems equipment (e.g., permanent electrical generators, refrigeration equipment and ductwork, swimming pool pumps, back-flow prevention devices);~~

~~\_\_\_\_\_ (B) Heating, ventilating, and air conditioning equipment, tanks, and ductwork (e.g., air conditioning condensers and compressors, heat pump condensers and evaporators, bottled gas tanks);~~



ii. ~~Roof or wall-mounted antennas, vent openings, tower and blades or a small wind energy system, or the solar panels or modules of a solar energy collection system shall not be considered exterior mechanical equipment for purposes of these screening standards.~~

Exterior mechanical equipment and similar features include electrical and gas-powered mechanical equipment and power systems equipment (e.g., permanent electrical generators, refrigeration equipment and ductwork, swimming pool pumps, back-flow prevention devices), heating, ventilating, and air conditioning equipment, tanks, and ductwork (e.g., air conditioning condensers and compressors, heat pump condensers and evaporators). Roof or wall-mounted antennas, vent openings, tower and blades, bottled gas tanks, a small wind energy system, or the solar panels or modules of a solar energy collection system shall not be considered exterior mechanical equipment for purposes of these screening standards.

#### **b. Development Existing on or Before October 30, 1973**

~~Notwithstanding the provisions elsewhere in this section, any development other than a single-family dwelling that existed on or before October 30, 1973, and does not conform to the standards in Section [155.5301.A](#), Screening of Mechanical Equipment, shall within 18 months after the city has inspected the development, confirmed applicability of this requirement, and notified the property owner of such applicability screen all mechanical equipment visible from a public right-of-way or more restrictive zoning district on three sides, or along 75 percent of its perimeter, with a hedge, berm, wood fence, or wall that is at least six inches higher than the equipment.~~

~~c. The Development Services Director may waive all or part of the standards in this subsection, [155.5301.A](#), if it is demonstrated that the implementation of the standards results in a conflict with the city's adopted CPTED guidelines.~~

### **2. Screening Standards**

#### **a. Roof-Mounted Mechanical Equipment**

~~Mechanical equipment mounted on the roof of a building shall be screened by a parapet wall, roof screen, or similar device that is integrated into the building's architectural design and of a height equal to or exceeding the height of the mechanical equipment being screened.~~

#### **b. Ground-Mounted Mechanical Equipment**

~~Mechanical equipment mounted on ground level shall be screened by adjacent buildings, dense continuous hedges installed in accordance with Section [155.5203.B.2.g](#), Shrubs and Hedges, or decorative walls or fences incorporating at least one of the primary materials or colors of the nearest wall of the primary structure on the lot. The height of the vegetation, wall or fence, shall be at least six inches above the height of the mechanical equipment being screened.~~

### **2. New Development Screening Standards**

a. 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.

b. 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.g](#), 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.

### **3. Existing Development Screening Standards**

a. Any lawfully established development that does not conform to the standards in Section [155.5301.A.2.a.](#), New Development Screening Standards, shall not be required to screen any roof-mounted



mechanical equipment, unless required to be upgraded as a nonconforming site feature under Article 7, Part 5 of this code.

b. Notwithstanding the provisions elsewhere in this section, any lawfully established development that does not have an approved landscape plan on record and does not conform to the standards in Section 155.5301.A.2.b., New Development Screening Standards, shall screen all mechanical equipment mounted on ground level, or mounted within 3 feet from ground level, if the equipment is visible from a public right-of-way or more restrictive zoning district. Screening must be provided on three sides, using a hedge, berm, semi-opaque fence, or solid wall that is maintained or installed at least six inches higher than the equipment.

#### **4. 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.

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### **C. Location and Screening of Commercial Containers**

#### **I. 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 walls constructed of brick, masonry, stone, or similar material, and on the fourth side by a wood or metal gate.

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

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

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.

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.

##### **b. Development Existing on or Before October 24, 1978**

Notwithstanding the provisions elsewhere in this section, any development other than a single-family dwelling that existed on or before October 24, 1978, shall—within 18 months after the city has inspected the development, confirmed applicability of this requirement, and notified the property owner of such applicability—screen any dumpster visible from a public right-of-way or more restrictive zoning district in accordance with the following:

i. Unless legally located in a front or street side yard, the dumpster shall be screened on three sides with a solid view-screening fence that is at least six feet high and on the fourth side with a solid view-screening gate.

ii. A continuous hedge at least two feet high shall be provided around the dumpster enclosure.



**b. Existing Multifamily and Nonresidential Development**

Notwithstanding the provisions elsewhere in this section, any lawfully existing multifamily and nonresidential development shall screen any commercial container visible from a public right-of-way or more restrictive zoning district in accordance with the following:

i. The commercial container shall be screened on three sides with a solid view-screening fence that is at least six feet high and on the fourth side with a solid view-screening gate.

ii. A continuous hedge at least two feet high shall be provided around the commercial container enclosure.

iii. Commercial containers shall be located so as to be substantially hidden from view from the adjacent property and the public rights-of-way.

iv. Unless legally located in a front or street side yard, no commercial container enclosure shall be placed in an area where the fence regulations would cause a conflict with this section.

**c. Exemptions**

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.

d. 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.

**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; and
- g. Any location that interferes with utilities.
- h. Any platted or recorded easement;

**3. Screening of Commercial Containers**

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

~~b. If a container is one regularly accessed by pedestrians, the required walls shall include an opening at least three feet wide for pedestrian access. This pedestrian opening shall be screened from view by an "L"-shaped extension of a screening wall.~~



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

— d. 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.

— e. 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.

#### **D. Outdoor Storage Areas**

Screening of outdoor storage areas shall comply with the standards in Section [155.4228.A](#), Outdoor Storage (as a principal use), or [155.4303.W](#), Outdoor Storage (as an accessory use), as appropriate.

(Ord. 2012-64, passed 9-11-12; Am. Ord. [2013-37](#), passed 1-22-13; Am. Ord. [2013-73](#), passed 7-23-13; Am. Ord. [2014-53](#), passed 9-9-14)

### **155.5203. LANDSCAPING**

#### **A. Applicability**

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#### **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

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

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



## 155.5603. INDUSTRIAL DESIGN STANDARDS

### **A. Purpose**

These design standards are intended to identify the city's design goals and expectations for industrial development quality resulting in greater predictability during the development review process. Recognizing that the form and design of industrial developments and buildings is based on the function of the uses within the development, the focus of these design standards is minimizing the industrial development's potential negative impacts on adjacent land uses and improve the appearance of industrial development along the gateways and entrances to the city.

### **B. Applicability**

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

1. All new industrial development.
2. Industrial Development required to obtain Major Building Design approval.

### **C. Business Activities to be Conducted in Enclosed Buildings**

Except as expressly provided otherwise in this Code, all business activities associated with industrial development shall be conducted within a totally and permanently enclosed building.

### **D. Building Orientation**

#### **1. Single-Building Development**

A development composed of a single building shall orient the building facade containing its primary patron entrance to face the street from which the building derives its street address.

#### **2. Multi-Building Development**

A development composed of multiple buildings shall locate and configure the buildings to conceal operations and loading areas from off-site views.

#### **3. Accessory Structures and Uses**

Accessory structures and uses shall not front a street and shall be located in a manner that minimizes their impacts on adjacent uses.

### **E. Facade Articulation**

Each street-facing building facade shall be horizontally and/or vertically articulated to avoid long, blank wall planes, by meeting at least one of the following standards:

#### **1. Wall Plane Horizontal Articulation**

Each facade greater than 100 feet in width shall be articulated with wall offsets (e.g., projections or recesses in the facade plane), changes in facade color or material, or similar features that visually interrupt the wall plane horizontally such that the width of uninterrupted facade does not exceed 100 feet.

#### **2. Vertical Articulation**

Each facade greater than 30 feet in height shall incorporate a change in the wall surface plane or in facade color or material that visually interrupts the wall plane vertically such that the height of uninterrupted facade does not exceed 30 feet.

#### **3. Roof Line Variation**

The facade shall include variations in roof planes and/or in the height of a parapet wall at least every 60 feet of roofline length along the facade.

#### **F. Entrance**

1. Each principal building shall have clearly defined, highly visible primary entrances for occupants and patrons that incorporate at least one of the following design features to emphasize the importance of the entrance:

- a. Canopy or portico;
- b. Roof overhang;
- c. Horizontal recess or projection;
- d. Arcade or arch;
- e. Peaked roof form;
- f. Outside patio;
- g. Display window;
- h. Architectural tile work or moldings integrated into the design of the building facade;
- i. Integrated planters or wing walls that incorporate landscaped area or seating areas; or
- j. Similar architectural features not found on the remainder of the building facade.

2. ~~Street-facing facades~~ Facades of the ground level floor facing an arterial street or collector street shall not include overhead doors, sliding glass doors, removable panels, or similar type of doors.

#### **G. Building Facade Materials**

The use of vinyl siding aluminum siding, corrugated metal siding, any other metal siding, unfinished or untreated tilt-up concrete panels, or standard single- or double-tee concrete systems as a primary exterior facade material shall be limited to those portions of ~~rear and side building facades~~ that are not visible from an arterial or collector street ~~the public right-of-way or an adjacent residential, institutional, or commercial use.~~

#### **H. Loading and Service Areas**

Loading and service areas shall be separated from patron parking, pedestrian areas, and main drive aisles, and shall be located as far as practicable from any abutting single-family residential development.

#### **I. Off-Street Parking Location**

No more than two bays of off-street parking may be located between the front building facade and the street it faces. This may be doubled for buildings of two or more stories.

(Ord. 2012-64, passed 9-11-12; Am. Ord. [2013-73](#), passed 7-23-13)

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### **155.5902. MAINTENANCE**

#### **A. General Maintenance Requirement**

When the standards and procedures of this Code are required by a development order issued in accordance with this Code, or conditions attached to any such development order require that any building or site feature be constructed or installed, the owner of the affected property shall be responsible for maintaining those building or site features in good repair, and for replacing them if they are damaged or destroyed or, in the case of living

materials, if they die or are effectively destroyed after installation. In addition, property owners shall be responsible for each of the additional maintenance and replacement standards set forth in the various parts and sections of this article.

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**(Note to Staff: PDF must be updated)**

## APPENDIX C: FEE SCHEDULE

Note: Appendix C may be viewed in a printer-friendly, PDF document. Please click [APPENDIX C](#). The following are the applicable fees for Applications for Development in the city .

TYPE OF APPLICATION	FEE
<b>I. CONCURRENCY</b>	
A. Preliminary Concurrency Review Letter	\$250
B. Concurrency Review Certificate, for all developments except single-family or duplex dwelling on a lot , or parcel recorded prior to March 1, 1989.	\$495
C. If the proposed development is exempt from the concurrency review pursuant to § 154.71(A)(1)-(7) the sum of \$250 will be returned to the applicant .	
D. Concurrency Review Certificate for single-family or duplex dwellings on a lot or parcel recorded prior to March 1, 1989.	\$225
E. Initial Deposit for Concurrency Traffic Study Review	\$1,175
<b>II. OTHER DEVELOPMENT SERVICES APPLICATIONS</b>	
<b>A. Development of Regional Impact</b>	\$7,525
<b>B. Comprehensive Plan Amendment</b>	
1. Local Amendment	\$3,290
2. Broward County	\$4,940
Applicant must also pay all advertising costs.	
<b>C. Rezoning</b>	
1. General and Site Specific Zoning Map Amendment	\$2,525
2. Master Plan	\$2,525
a. Residential	\$355 plus \$35 per acre plus \$20 per unit
b. Non-Residential	\$1,060 plus \$105 per acre
c. Mixed Use	\$1,060 plus \$105 per acre plus \$20 per unit
Applicant must pay for one required sign	\$60



Applicant must pay for additional required signs, per sign	\$30
<b>D. Special Exception</b>	\$1,070
<b>E. Variances/Temporary Use Permits/Appeals from alleged error which requires a Public Hearing</b>	
1. Single-family without outstanding zoning code violations	\$325
2. Single-family with outstanding related code violation	\$1,175
3. Multi-Family and Non-Residential without outstanding relate code violations	\$860
4. Multi-Family and Non-Residential with outstanding related code violations	\$1,715
5. Time extension for a variance or special exception	\$235
<b>II. OTHER DEVELOPMENT SERVICES APPLICATIONS</b>	
<b>F. Plat</b>	
1. Residential	\$350 plus \$25 per acre plus \$15 per unit
2. Non-Residential	\$705 plus \$70 per acre
3. Mixed Use	\$705 plus \$70 per acre plus \$15 per unit
<b>G. Request to change any previously approved item on a plat</b>	\$350
<b>H. Appeals from alleged error which do not require a Public Hearing <u>Post-Decision Actions</u></b>	\$235
	\$115 plus \$25 per acre plus \$12 per unit
	\$705 plus \$70 per acre
<b>I. Site Plan and Building Design</b>	
1. Major Site Plan and Building Design	
a. Pre-Application Meeting	\$790
b. Residential/Multi Family	\$3,320 plus \$50 per acre plus \$25 per unit
c. Non-Residential	\$3,320 plus \$150 per acre plus \$45 per 1,000 sq. ft. of building area
d. Mixed Use	\$3,320 plus \$50 per acre plus \$25 per unit plus \$45 per 1,000 sq. ft. of net building area of non-residential use
2. Minor Site Plan	

a. Residential	\$1,780 plus \$50 per acre
b. Non-Residential	\$1,780 plus \$150 per acre
c. Outdoor Seating	\$130
3. Minor Building Design	
a. Residential	\$180 plus \$25 per unit
b. Non-Residential	\$180 plus \$45 per 1,000 sq. ft.
c. Mixed Use	\$180 plus \$25 per unit plus \$45 per 1,000 sq. ft. of net building area of non-residential use
4. Transportation Study	
1. <u>Trip Generation Review</u>	<u>\$600 City Fee + Cost Recovery Fee</u>  <u>\$1,500 Initial cost recovery deposit to cover engineering consultant fees for meetings, review, and comments</u>
2. <u>Full Traffic Study</u>	<u>\$1,000 City Fee + Cost Recovery Fee</u>  <u>\$5,000 Initial cost recovery deposit to cover engineering consultant fees for meetings, review, and comments</u>
5. <u>Air Park Obstruction</u>	<u>\$370 City fee + Cost Recovery</u>

	<u>\$5,000 Initial cost recovery deposit to cover consultant engineering fees for meetings, review, and staff report</u>
<b>J. Revised Site Plan</b>	\$1,780
<b>K. Administrative Adjustment</b>	
1. Major	\$965
2. Minor	\$150
<b>L. Sidewalk Café Permit</b>	Annual fee of \$20 for the first four tables; plus \$20 for each additional table
<b>M. Interpretation</b>	\$225
<b>N. Interim Use Permit</b>	\$1,095
<b>O. Sign Permit Review</b>	\$25
<b>P. Abandonments</b>	
1. Right-of-way abandonments	\$1,195
2. Utility Easement abandonment	\$350
<b>III. LANDSCAPING.</b>	
<b>A. Tree Permit</b>	\$25 plus \$5 per tree
1. Single-Family and Duplex	Exempt
2. Multi-Family Residential	\$45 plus \$7 per tree
3. Non-Residential	\$50 plus \$10 per tree
Fee shall double for work done without a permit.	
<b>B. Tree Abuse</b>	
1. For each abused tree	\$60
2. Second incident for each abused tree	\$120
3. Third incident for each abused tree	\$235
<b>IV. FEES FOR CODE COPIES (Black and white copies, all fees are plus tax)</b>	
<b>A. Land use and zoning maps</b>	
1 in. = 1,000 ft. Scale	\$7 plus tax



<b>B. Planning (Ch. 154)</b>	\$2
<b>C. Zoning Code (Ch. 155)</b>	\$58
<b>D. Sign Code (Ch. 156)</b>	\$3
<b>V. REQUESTS FOR ZONING INFORMATION OR REVIEW</b>	
<b>A. A Zoning Use Certificate</b>	\$30
<b>B. Zoning Letter.</b> Any request for a written statement from the Planning and Zoning Division either confirming the land use plan designation and/or zoning classification of certain land within the city , or confirming that a proposed or existing use of land is in compliance with the requirements of that land use plan designation and/or zoning district , shall include: (1) A sketch of survey with legal description of the subject property; (2) <del>A</del> a fee in the amount of \$670 for each question or item to be verified over and above the second question or item to be verified (single-family exempt).	\$70
<b>C. Nonconforming Certificate</b>	\$325
<b>D. Zoning Compliance Permit</b>	
1. Permit for single-family home:	
a. Single Family Residential	\$50
b. Minor Residential	\$25
c. Subsequent zoning reviews, (per review after the third review)	\$25
2. Permit for multi-family property	
a. Multi-family	\$70
b. Subsequent zoning reviews, (per review after the third review)	\$165
3. All other permits	
a. Non Residential and Mixed Use	\$100
b. Subsequent zoning reviews, (per review after the third review)	\$220
<b>E. Revocable License Agreement</b>	\$1,100
<b>F. Unity of Title</b>	\$180
<b>G. Zoning/Landscaping Reinspection Fees:</b>	
1. First reinspection fee	\$35
2. Each additional reinspection fee	\$140
<b>VI. MISCELLANEOUS DEVELOPMENT SERVICES FEES</b>	
<b>A. Telecommunication Towers</b>	
1. Annual registration fee	\$430
2. Application fee for site plan approval	\$2,150
<b>B. Portable Storage Units</b>	\$65
<b>C. Applications for Parking Agreements</b>	
1. Off site parking	\$240
2. Shared parking	\$240
3. Master Parking Program	

Per parking space	\$14,040
<b>D. Proposed code amendment initiated by the public</b>	\$1,315 plus advertising costs
<b>E. Public Event Fee</b>	\$30
<b>F. Special Event Fee</b>	\$30
<b>VII. FLEXIBILITY</b>	
A. Application for allocation of flexibility or redevelopment units.	\$1,765 plus \$120 per acre
B. Requests for time extension or reaffirmation of the initial allocation of flexibility or redevelopment units.	\$1,765 plus \$120 per acre
C. Request for Residential to Commercial flexibility (when not done concurrent with a rezoning).	\$1,765 plus \$120 per acre
D. Request for Commercial Use in Industrial Land Use Category (when not done concurrent with rezoning, process required is DRC and P&Z only).	\$1,110

(Ord. 2012-64, passed 9-11-12; Am. Ord. [2013-37](#), passed 1-22-13; Am. Ord. [2013-55](#), passed 5-14-13; Am. Ord. [2014-10](#), passed 12-10-13 ; Am. Ord. [2018-06](#), passed 10-10-17)

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