Meeting Date: June 23, 2015 Agenda Item 14

REQUESTED COMMISSION ACTION: **QUASI-JUDICIAL**

____ Consent X Ordinance ____ Resolution ____ Consideration/Discussion ____ Presentation

SHORT TITLE AN ORDINANCE OF THE CITY OF POMPANO BEACH, FLORIDA, REZONING A PARCEL OF PROPERTY LOCATED WEST OF SOUTH OCEAN BOULEVARD AND APPROXIMATELY 336 FEET SOUTH OF SE 13TH STREET AND COMMONLY KNOWN AS 1333 SOUTH OCEAN BOULEVARD FROM B-3 (GENERAL BUSINESS) TO PD-I (PLANNED DEVELOPMENT-INFILL); PROVIDING FOR CONFORMANCE TO AN APPROVED PLANNED DEVELOPMENT PLAN; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

Summary of Purpose and Why:

Summary: The applicant is requesting a rezoning from B-3 (General Business) to PD-I (Planned Development – Infill). The developer has applied for an amendment to the underlying Land Use From C (Commercial) to H (High Residential 25-4 dwelling units/ acre). The land use amendment was approved on first reading by the City Commission at the October 14th, 2014 Meeting. The parcel is currently a vacant lot with a perimeter fence. The intent of a Planned Development is to encourage innovative land planning and site design concepts that support a high quality of life and achieve a high quality of development, environmental sensitivity, energy efficiency and other city goals and objectives. If approved, the Master Plan will allow for a mixed use development. The Planning Objectives included in the regulating plans describe the purpose for this planned development, focuses on massing to preserve view corridors, providing two (2) public boat slips and public access to the intracoastal. If the buildings will exceed 105 feet in height, the Floors above the 6th level will be restricted to a floor plate of 18,000 square feet. The Planning &Zoning Board recommended approval (6-1) of the rezoning with 12 conditions. The conditions have been acknowledged by the developer, and will either be addressed prior to building permit, or the regulating plans have been updated to reflect the changes. A draft version of the Unified Control Agreement was submitted for staff review, and will be executed for approval by the City Commission via a Resolution.

(1) Origin of request for this action: WH Pompano, LP
(2) Primary staff contact: Daniel Keester/ Robin Bird Ext. 5541
(3) Expiration of contract, if applicable: N/A
(4) Fiscal impact and source of funding: N/A

DEPARTMENTAL COORDINATION	DATE	DEPARTMENTAL RECOMMENDATION	DEPARTMENTAL HEAD SIGNATURE
Dev. Services	5/18/2015	Approval	P&Z: #15-266
City Attorney	6/4/2015		CAC: #2015-1030 6/12/15

X Advisory Board P&Z Memo #: 15-035

X City Manager

ACTION TAKEN BY COMMISSION:

Ordinance	Resolution	Consideration	Workshop
1st Reading	1st Reading	Results:	Results:
2nd Reading			

City Attorney's Communication #2015-1030
June 4, 2015

TO: Daniel T. Keester, Planner

FROM: Gordon B. Linn, City Attorney

RE: Ordinances – Rezoning –WH Pompano/1333 and 1350 S. Ocean Boulevard

As requested in your memorandums dated May 29, 2015, Department of Development Services Memorandum No. 15-282 and 15-283, the following form of ordinances, relative to the above-referenced matter, have been prepared and are attached:

AN ORDINANCE OF THE CITY OF POMPANO BEACH, FLORIDA, REZONING A PARCEL OF PROPERTY LOCATED WEST OF SOUTH OCEAN BOULEVARD AND APPROXIMATELY 336 FEET SOUTH OF SE 13TH STREET AND COMMONLY KNOWN AS 1333 SOUTH OCEAN BOULEVARD FROM B-3 (GENERAL BUSINESS) TO PD-I (PLANNED DEVELOPMENT–INFILL); PROVIDING FOR CONFORMANCE TO AN APPROVED PLANNED DEVELOPMENT PLAN; PROVIDING FOR

AN ORDINANCE OF THE CITY OF POMPANO BEACH, FLORIDA, REZONING A PARCEL OF PROPERTY LOCATED BOTH EAST OF SOUTH OCEAN BOULEVARD AND APPROXIMATELY 436 FEET SOUTH OF SE 13TH STREET AND COMMONLY KNOWN AS 1350 SOUTH OCEAN BOULEVARD FROM B-3 (GENERAL BUSINESS) TO PD-I (PLANNED DEVELOPMENT–INFILL); PROVIDING FOR CONFORMANCE TO AN APPROVED PLANNED DEVELOPMENT PLAN; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE

Please review the proposed ordinances carefully to determine that they are in accordance with your desires and are correct. I believe this is the first rezoning to PD-I.

GORDON B. LINN

GBL/ds
l:cor/dev-srv/2015-1030
Attachments

ORDINANCE NO. 2015-_____

CITY OF POMPANO BEACH
Broward County, Florida

AN ORDINANCE OF THE CITY OF POMPANO BEACH, FLORIDA, REZONING A PARCEL OF PROPERTY LOCATED WEST OF SOUTH OCEAN BOULEVARD AND APPROXIMATELY 336 FEET SOUTH OF SE 13TH STREET AND COMMONLY KNOWN AS 1333 SOUTH OCEAN BOULEVARD FROM B-3 (GENERAL BUSINESS) TO PD-I (PLANNED DEVELOPMENT–INFILL); PROVIDING FOR CONFORMANCE TO AN APPROVED PLANNED DEVELOPMENT PLAN; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

WHEREAS, pursuant to law, ten (10) days' notice has been given by publication in a paper of general circulation in the City, notifying the public of this proposed ordinance and of a public hearing in the City Commission Chambers of the City of Pompano Beach, Florida; and

WHEREAS, a public hearing before the City Commission was held pursuant to the aforesaid notice, at which hearing the parties in interest and all other citizens so desiring, had an opportunity to be, and were, in fact, heard; now, therefore,

BE IT ENACTED BY THE CITY OF POMPANO BEACH, FLORIDA:

SECTION 1. - FINDINGS: The City Commission finds as follows: that the rezoning of the property described herein is consistent with the Comprehensive Plan; that the rezoning complies with Section 155.3602 as well as all other requirements of the Zoning Code; and that the rezoning is reasonably related to the public, health, safety and welfare.

SECTION 2. - REZONING AND APPROVAL OF PLANNED DEVELOPMENT PLAN: The property more particularly described in Exhibit "A," attached hereto and made a part hereof, ("Property") which is hereby rezoned from a present zoning classification of a B-3

(general business) zoning classification to PD-I (planned development-infill) as said zoning classification is defined in Section 155.3607 of the Code of Ordinances of the City of Pompano Beach, Florida.

Pursuant to the requirements of Section 155.3602 and Section 155.3607 of the Code of Ordinances of the City of Pompano Beach, Florida, the Planned Development Plan submitted for the Property, attached hereto and made a part hereof as Exhibit "B," is hereby adopted. All development of the Property shall proceed in accordance with the Planned Development Plan, as approved, and Section 155.3607 of the Code of Ordinances of the City of Pompano Beach.

SECTION 3. - SEVERABILITY: If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this Ordinance that can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared to be severable.

SECTION 4. - EFFECTIVE DATE: This Ordinance shall become effective upon passage.

PASSED FIRST READING this _____ day of _____, 2015.

PASSED SECOND READING this _____ day of _____, 2015.

_____

LAMAR FISHER, MAYOR

ATTEST:

_____

ASCELETA HAMMOND, CITY CLERK

GBL/ds
6/4/15
I:ord/ch155/2015-361

EXHIBIT A

Legal Description

Parcel B of Ocean Land Pompano Beach Resort, according to the Plat thereof, as recorded in Plat Book 178, at Page 127, of the Public Records of Broward County, Florida.

ALTA/ACSM LAND TITLE SURVEY

LEGAL DESCRIPTION:

ALL OF "OCEAN LAND POMPANO BEACH RESORT", ACCORDING TO THE MAP OR PLAT THEREOF, AS RECORDED IN PLAT BOOK 178, PAGE(S) 127, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA.

SAID LANDS LYING AND BEING IN BROWARD COUNTY, FLORIDA.

ZONING : B-3 GENERAL BUSINESS DISTRICT

SETBACKS:
(1) FRONT YARD, NONE EXCEPT WHERE §§ 155.140 THROUGH 155.143 APPLIES DUE TO A RIGHT-OF-WAY WIDTH WHICH IS LESS THAN THAT SHOWN IN THE COMPREHENSIVE PLAN TRAFFIC CIRCULATION ELEMENT.
(2) SIDE YARD, NONE EXCEPT AS REQUIRED IN SUBDIVISION (4) BELOW OR WHERE A DISTRICT ABUTS A RESIDENTIAL DISTRICT AND THE PROVISIONS OF § 155.130 SHALL APPLY.
(3) REAR YARD, MINIMUM OF 30 FEET EXCEPT AS REQUIRED IN SUBDIVISION (4) BELOW.
(4) HIGH RISE SETBACKS, ANY STRUCTURE WITH A BUILDING HEIGHT EXCEEDING 50 FEET SHALL HAVE A SIDE AND REAR SETBACK, IN ADDITION TO WHAT IS SPECIFIED ABOVE, OF AT LEAST ONE FOOT FOR EVERY FOUR FEET OF BUILDING HEIGHT, OR MAJOR FRACTION THEREOF, ABOVE THE FIRST 50 FEET OF BUILDING HEIGHT.

TITLE COMMITMENT REVIEW - SCHEDULE B-II

ITEM # 6 - TERMS AND PROVISIONS OF THAT OFF-STREET PARKING AGREEMENT, PER ORD 11828, PG. 875, WHICH PROVIDES FOR COVENANTS, CONDITIONS, RESTRICTIONS AND LIMITATIONS. *(AFFECTS / REMOVED BY NEW PLAT "OCEAN LAND POMPANO BEACH RESORT", PURSUANT TO COUNTY'S COMMENTS)*

ITEM # 7 - PHOSPHATE, MINERALS, METALS AND PETROLEUM RESERVATIONS RESERVED UNTO THE STATE OF FLORIDA BY THAT CERTAIN DEED FROM THE TRUSTEES OF THE INTERNAL IMPROVEMENT FUND OF THE STATE OF FLORIDA, FILED AUGUST 3, 1950, IN DEED BOOK 702, PAGE 295, BEING DEED NO. 396196, WHICH RIGHT OF ENTRY HAS BEEN RELEASED PURSUANT TO F.S. 270.11. *(AFFECTS/NOT PLOTTABLE)*

ITEM # 8 - TERMS AND PROVISIONS OF THAT AGREEMENT, DATED DECEMBER 1, 1964, FILED DECEMBER 21, 1984, IN OFFICIAL RECORDS BOOK 2928, PAGE 185, AND LIENS FOR AMOUNTS OF MONEY OR CHARGES OR ASSESSMENTS FOR VARIOUS PURPOSES *(AFFECTS/NOT PLOTTABLE)*

ITEM # 9 - RESTRICTIVE COVENANTS, CONDITIONS, STIPULATIONS AND EASEMENTS SET FORTH IN DOCUMENT, FILED SEPTEMBER 11, 1944, IN DEED BOOK 455, PAGE 524, EXCLUDING ANY COVENANT OR RESTRICTION BASED ON RACE, CREED, COLOR OR NATIONAL ORIGIN. *(AFFECTS/NOT PLOTTABLE)*

ITEM # 10 - EASEMENT(S) GRANTED TO FLORIDA POWER AND LIGHT COMPANY, ACCORDING TO DOCUMENT, FILED NOVEMBER 28, 1961, IN OFFICIAL RECORDS BOOK 2288, PAGE 659, AS AFFECTED BY PARTIAL RELEASE OF EASEMENT FILED JANUARY 31, 2008 IN OFFICIAL RECORDS BOOK 45050, PAGE 1152. *(AFFECTS / RELEASED / REMOVED FROM SKETCH)*

ITEM # 11 - EASEMENT(S) GRANTED TO FLORIDA POWER & LIGHT COMPANY, ACCORDING TO DOCUMENT FILED FEBRUARY 24, 1965, IN OFFICIAL RECORDS BOOK 2969, PAGE 87, AS AFFECTED BY PARTIAL RELEASE OF EASEMENT FILED JANUARY 31, 2008 IN OFFICIAL RECORDS BOOK 45050, PAGE 1145. *(AFFECTS / RELEASED / REMOVED FROM SKETCH)*

ITEM # 12 - TERMS AND PROVISIONS OF AGREEMENT, FILED FEBRUARY 12, 1982, IN OFFICIAL RECORDS BOOK 2338, PAGE 874, AS AFFECTED BY TERMINATION OF OFF-SITE PARKING AGREEMENT FILED NOVEMBER 17, 2008 IN OFFICIAL RECORDS BOOK 45810, PAGE 1185, WHICH PROVIDES FOR COVENANTS, CONDITIONS, RESTRICTIONS AND LIMITATIONS. *(AFFECTS / RELEASED / REMOVED FROM SKETCH)*

ITEM # 17 - ANY CLAIM BY THE STATE OF FLORIDA TO ANY PORTION OF THE INSURED LAND LYING SEAWARD OF THE EROSION CONTROL LINE ESTABLISHED IN OFFICIAL RECORDS BOOK 10881, PAGE 588 *(AFFECTS/PLOTTED)*

ITEM # 18 - RESTRICTIONS, DEDICATIONS, AND EASEMENTS AS CONTAINED ON THE PLAT OF SPANISH RIVER RACQUET CLUB, RECORDED IN PLAT BOOK 125, PAGE 22. *(AFFECTS/PLOTTED)*

ITEM # 19 - TERMS, CONDITIONS, AND PROVISIONS OF PERPETUAL BEACH STORM DAMAGE REDUCTION EASEMENT, RECORDED IN OFFICIAL RECORDS BOOK 32703, PAGE 1878. *(AFFECTS/PLOTTED)*

ITEM # 23 - RESTRICTIONS, COVENANTS, AND CONDITIONS AS SET FORTH IN THOSE COVENANT FILED OCTOBER 16, 2007 IN OFFICIAL RECORDS BOOK 44719, PAGE 708, AS MAY BE SUBSEQUENTLY AMENDED. *(AFFECTS/NOT PLOTTABLE)*

ITEM # 24 - TERMS, CONDITIONS, AND PROVISIONS OF ENVIRONMENTAL RESOURCE PERMIT NOTICE FILED OCTORER 8, 2008, IN OFFICIAL RECORDS BOOK 45736, PAGE 1814. *(AFFECTS/NOT PLOTTABLE)*

ITEM # 25 - TERMS, CONDITIONS, AND PROVISIONS OF ENVIRONMENTAL RESOURCE PERMIT NOTICE FILED FEBRUARY 6, 2008, IN OFFICIAL RECORDS BOOK 45071, PAGE 185. *(AFFECTS/NOT PLOTTABLE)*

ITEM # 26 - RESTRICTIONS (DELETING THEREFROM ANY RESTRICTIONS INDICATING ANY PREFERENCE, LIMITATION OR DISCRIMINATION BASED ON RACE, COLOR, RELIGION, SEX, HANDICAP, FAMILIAL STATUS OR NATIONAL ORIGIN), DEDICATIONS, COVENANTS, EASEMENT(S), SETBACK(S), IF ANY, AS MAY BE SHOWN ON THE PLAT OF "OCEAN LAND POMPANO BEACH RESORT", RECORDED IN PLAT BOOK 178, PAGE 127. *(AFFECTS/PLOTTED)*

ITEM # 27 - TERMS, CONDITIONS, AND PROVISIONS OF SECURITY/LIEN AGREEMENT INSTALLATION OF REQUIRED IMPROVEMENTS FILED MARCH 30, 2009, IN OFFICIAL RECORDS BOOK 46089, PAGE 1489. *(AFFECTS/NOT PLOTTABLE)*

ITEM # 28 - TERMS, CONDITIONS, AND PROVISIONS OF AGENT OF RECORD FOR NOTICE OF EXPIRATION OF FINDINGS OF ADEQUACY FILED MARCH 30, 2009, IN OFFICIAL RECORDS BOOK 46089, PAGE 1504. *(AFFECTS/NOT PLOTTABLE)*

ALL OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA.

TREE LIST

NO.	DIAMETER	HEIGHT	TYPE
1	8"	23'	PALM
2	8"	23'	PALM
3	8"	23'	PALM
4	8"	24'	PALM
5	8"	26'	PALM
6	10"	26'	PALM
7	11"	29'	PALM
8	10"	25'	PALM
9	11"	24'	PALM
10	10"	24'	PALM
11	12"	26'	PALM
12	11"	25'	PALM
13	11"	34'	PALM
14	27"	37	BLACK OLIVE
15	26"	22'	BLACK OLIVE
16	12"	20'	BLACK OLIVE
17	27"	28'	BLACK OLIVE
18	17"	15'	PALM
19	40"	38'	FICUS
20	8"	18'	PALM
21	12"	17'	PALM
22	16"	18'	PALM
23	8"	15'	UNKNOWN
24	5"	15'	PALM
25	17"	19'	PALM
26	12"	6'	PALM
27	12"	15'	PALM
28	12"	12'	PALM
29	11"	25'	PALM
30	13"	25'	PALM
31	12"	25'	PALM
32	11"	25'	PALM
33	12"	24'	PALM
34	12"	25'	PALM
35	12"	24'	PALM
36	12"	32'	PALM
37	26"	32'	FICUS
38	24"	30'	BLACK OLIVE
39	19"	29'	BLACK OLIVE
40	--	28'	SEA GRAPE
41	24"	28'	BLACK OLIVE
42	28"	26'	BLACK OLIVE
43	17"	26'	PALM
44	14"	23'	PALM
45	--	--	HOLLY
46	60"	20'	FICUS
47	9"	17'	PALM
48	8"	20'	PALM
49	8"	20'	PALM
50	14"	19'	GUMBO LIMBO
51	8"	21'	PALM
52	6"	20'	PALM
53	8"	19'	GUMBO LIMBO
54	16"	15'	PALM
55	--	--	HOLLY
56	--	--	HOLLY
57	80"	22'	FICUS
58	15"	18'	BLACK OLIVE
59	26"	18'	HOLLY
60	13"	15'	PALM
61	18"	16'	SEA GRAPE
62	12"	16'	PALM
63	12"	15'	PALM
64	12"	17'	BLACK OLIVE
65	12"	16'	PALM
66	15"	16'	PALM
67	11"	15'	PALM
68	8"	28'	PALM
69	10"	26'	BLACK OLIVE
70	9"	24'	PALM
71	14"	25'	PALM
72	8"	22'	PALM
73	10"	20'	PALM
74	12"	22'	PALM
75	38"	27'	FICUS
76	20"	30'	BLACK OLIVE
77	10"	16'	PALM
78	14"	20'	PALM

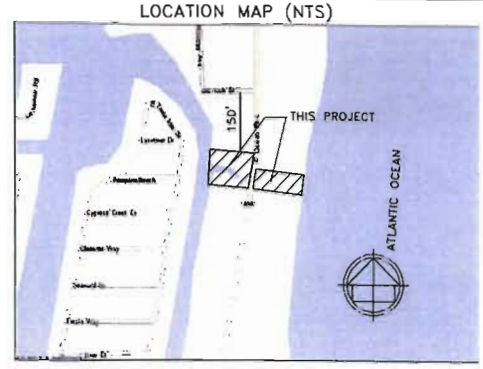
TREE LIST

NO.	DIAMETER	HEIGHT	TYPE
79	38"	25'	FICUS
80	7"	27'	PALM
81	14"	14'	PALM
82	27"	23'	GUMBO LIMBO
83	72"	32'	FICUS
84	20"	28'	GUMBO LIMBO
85	--	21'	PALM CLUSTER
86	16"	24'	PALM
87	8"	21'	SCHEFFLERA
88	12"	24'	PALM
89	15"	18"	PALM
90	28"	23'	FICUS
91	14"	30'	PALM
92	13"	19'	PALM
93	16"	23'	PALM
94	8"	18'	PALM
95	12"	37'	PALM
96	8"	28'	PALM
97	12"	25'	PALM
98	11"	30'	PALM
99	14"	21'	PALM
100	20"	22'	MAHOGANY
101	11"	20'	MAHOGANY
102	12"	13'	UNKNOWN
103	10"	14'	PALM
104	7"	28'	PALM
105	7"	19'	PALM
106	14"	27'	PALM
107	7"	17'	GUMBO LIMBO
108	7"	25'	PALM
109	8"	23'	PALM
110	56"	26'	FICUS
111	8"	26'	PALM
112	40"	27'	SEAGRAPE
113	20"	25'	SEAGRAPE
114	9"	19'	PALM
115	--	--	MIX. CLUSTER
116	7"	27'	PALM
117	11"	15'	GUMBO LIMBO
118	11"	27'	PALM
119	80"	27'	FICUS
120	12"	27'	PALM
121	9"	26'	PALM
122	7"	24'	PALM
123	10"	30'	PALM
124	5"	28'	PALM
125	10"	31'	PALM
126	11"	29'	PALM
127	10"	20'	PALM
128	9"	21'	PALM
129	9"	25"	PALM
130	48"	25'	FICUS
131	9"	30"	PALM
132	22"	31'	SCHEFFLERA
133	40"	32'	SEAGRAPE
134	27"	35'	FICUS
135	24"	30'	PALM
136	14"	19'	PALM
137	14"	18'	PALM
138	14"	22'	PALM
139	15"	23'	PALM
140	14"	23'	PALM
141	8"	20'	PALM
142	8"	22'	PALM
143	13"	28'	PALM
144	12"	32'	PALM
145	6"	30'	PALM
146	8"	37'	PALM
147	8"	33'	PALM
148	11"	33'	PALM
149	8"	35'	PALM
150	8"	40'	PALM
151	12"	20'	PALM
152	16"	18'	PALM
153	34"	30'	PALM
154	10"	28'	PALM
155	8"	25'	PALM

LEGEND:

CKD	CHECKED BY
CONC	CONCRETE
DWN	DRAWN BY
FB/PG	FIELD BOOK AND PAGE
SNC	SET NAIL AND CAP #6448
FIR	FOUND IRON ROD
FIP	FOUND IRON PIPE
FNC	FOUND NAIL AND CAP
FND	FOUND NAIL & DISC
P.B.	PLAT BOOK
B.C.R.	BROWARD COUNTY RECORDS
WPP	WOOD POWER POLE
-X-	CHAIN LINK/ WOOD FENCE
ELEV	ELEVATION
CBS	CONCRETE BLOCK STRUCTURE
A/C	AIR CONDITIONER
⊀.J	ELEVATION
POB	POINT OF BEGINNING
POC	POINT OF COMMENCEMENT
A	ARC DISTANCE
R	RADIUS
Δ	CENTRAL ANGLE
TSB	TRAFFIC SIGNAL BOX
WV	WATER VALVE
SV	SEWER VALVE
WM	WATER METER
BFP	BACK FLOW PREVENTOR
SIR	SET IRON ROD & CAP #6448
FH	FIRE HYDRANT
WM	WATER METER
CLP	CONCRETE LIGHT POLE
EB	ELECTRIC BOX
-w-	NON VEHICULAR ACCESS LINE
BLDG	BUILDING
HT	HEIGHT
F.F.E.	FINISH FLOOR ELEVATION
FPL	FLORIDA POWER AND LIGHT
DRB	OFFICIAL RECORDS BOOK
DB	DEED BOOK
PRM	PERMANENT REFERENCE MONUMENT
CO	CLEAN OUT
ALTA	AMERICAN LAND TITLE ASSOCIATION
ACSM	AMERICAN CONGRESS ON SURVEYING & MAPPING
BFE	BASE FLOOD ELEVATION

LOCATION MAP (NTS)



WEST SIDE

FLOOD ZONE INFORMATION	
COMMUNITY NUMBER	120055
PANEL NUMBER	0377 H
ZONE	AE
BASE FLOOD ELEVATION	5
EFFECTIVE DATE	08/18/14

FLOOD ZONE INFORMATION	
COMMUNITY NUMBER	120055
PANEL NUMBER	0377 N
ZONE	AE
BASE FLOOD ELEVATION	5
ZONE	VE
BASE FLOOD ELEVATION	9
EFFECTIVE DATE	08/18/14

NOTES :

1. NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.
2. THE CERTIFICATION SHOWN HEREON TO THE EXTENT RELATING TO THE EXISTENCE OF EASEMENTS AND/OR RIGHTS-OF-WAY OF RECORD IS BASED UPON THE COMMITMENT FOR TITLE INSURANCE ISSUED BY COMMONWEALTH LAND TITLE INSURANCE COMPANY, ORDER NO. 3492118 (EFFECTIVE DATE : APRIL 26, 2011 / REVISED: MAY 16, 2011)
3. THIS SURVEY WAS DONE SOLELY FOR BOUNDARY PURPOSES AND DOES NOT DEPICT THE JURISDICTION OF ANY MUNICIPAL, STATE, FEDERAL OR OTHER ENTITIES.
4. THE LAND DESCRIPTION SHOWN HEREON WAS PROVIDED BY THE CLIENT.
5. UNDERGROUND IMPROVEMENTS NOT SHOWN.
6. ELEVATIONS SHOWN HEREON ARE BASED ON THE NORTH AMERICAN VERTICAL DATUM OF 1988.
7. BENCHMARK REFERENCE: BROWARD COUNTY BENCHMARK # 3870 ELEVATION = 10.41'(NAVD88)
8. BEARINGS SHOWN HEREON ARE BASED ON THE SOUTH LINE OF PARCEL A, "OCEAN LAND POMPANO BEACH RESORT", P.B. 178, PG. 127, B.C.R. SAID LINE BEARS S89°33'52"W.

SURVEYOR'S CERTIFICATION

UNION TITLE SERVICES, INC.
COMMONWEALTH LAND TITLE INSURANCE COMPANY
WH POMPANO, LP, A LIMITED PARTNERSHIP

THAT (A) THIS SURVEY WAS PREPARED UNDER MY SUPERVISION; (B) THE LEGAL DESCRIPTION OF THE PROPERTY AS SET FORTH HEREIN, AND THE LOCATION OF ALL IMPROVEMENTS, FENCES, EASEMENTS, ROADWAYS, RIGHTS OF WAY AND SETBACK LINES WHICH ARE EITHER VISIBLE OR OF RECORD IN BROWARD COUNTY, FLORIDA (ACCORDING TO TITLE SEARCH REPORT; ORDER NUMBER: 3492118, EFFECTIVE DATE : APRIL 26, 2011 / REVISED : MAY 16, 2011), ARE ACCURATELY REFLECTED HEREON; AND (C) THIS SURVEY ACCURATELY DEPICTS THE STATE OF FACTS AS THEY APPEAR ON THE GROUND. THIS MAP AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH "MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA/ACSM LAND TITLE SURVEYS," JOINTLY ESTABLISHED AND ADOPTED BY THE AMERICAN LAND TITLE ASSOCIATION ("ALTA"), THE AMERICAN CONGRESS ON SURVEYING AND MAPPING ("ACSM") AND THE NATIONAL SOCIETY OF PROFESSIONAL SURVEYORS ("NSPS") IN 2011, AND INCLUDES ITEMS 1, 2, 3, 4, 6(a), 7(a), 7(b)(1), 7(c), 8, 9, 11 (a), 13, 14, 16, 17 AND 18 OF TABLE A THEREOF. PURSUANT TO THE ACCURACY STANDARDS AS ADOPTED BY ALTA, NSPS, AND ACSM AND IN EFFECT ON THE DATE OF THIS CERTIFICATION, THE UNDERSIGNED FURTHER CERTIFIES THAT:

____ THE SURVEY MEASUREMENTS WERE MADE IN ACCORDANCE WITH THE "MINIMUM ANGLE, DISTANCE, AND CLOSURE REQUIREMENTS FOR SURVEY MEASUREMENTS WHICH CONTROL LAND BOUNDARIES FOR ALTA/ACSM LAND TITLE SURVEYS"

DATED: 01/08/15 FOR THE FIRM BY: Richard E. Cousins

RICHARD E. COUSINS
PROFESSIONAL SURVEYOR AND MAPPER
FLORIDA REGISTRATION No. 4188.

COUSINS SURVEYORS & ASSOCIATES, INC.
3921 SW 47TH AVENUE, SUITE 1011
DAVIE, FLORIDA 33314
CERTIFICATE OF AUTHORIZATION : LB # 6448
PHONE (954)689-7766 FAX (954)689-7799

CLIENT : MERRIMAC VENTURES

1350 SOUTH OCEAN DRIVE
POMPANO BEACH, FLORIDA

REVISIONS	DATE	FB/PG	DWN	CKD
UPDATE SURVEY WITH TREE LOCATION & ELEVATION	01/26/04	SKETCH	REC	REC
ADDED INVERT ELEVATIONS TO DRAINAGE STRUCTURES	04/06/04	SKETCH	JD	REC
REVISED FLOOD ZONE INFORMATION	05/31/04	------	AV	REC
ADDED ADDITIONAL TREES	06/04/04	------	AV	REC
REVISED LEGEND DESCRIPTION	06/23/04	------	AV	REC
ADDED VEGETATION LINE	10/17/04	------	AV	REC

REVISIONS	DATE	FB/PG	DWN	CKD
ADDED CLOSED SECTION FOR SPANISH RIVER CANAL	10/29/06	124/68	AV	REC
ADDED ADDITIONS	06/01/07	SKETCH	AV	REC
REVISIONS PER COMMENTS	06/14/07	SKETCH	AV	REC
REVISIONS PER SITE / SURVEY	06/19/07	SKETCH	AV	REC
REVISIONS PER ATTORNEYS COMMENTS	08/28/07	SKETCH	AV	REC
REVISIONS PER GROUNDBREAKING & ADDED SIGNS	07/18/07	SKETCH	AV	REC

REVISIONS	DATE	FB/PG	DWN	CKD
ADDED TREES	01/16/13	SKETCH	REC	REC
ADDED VEGETATION LINE	01/15/13	SKETCH	REC	REC
REVISED CERTIFIED TO	06/15/07	------	AV	REC
REVISED CERTIFIED TO	10/08/07	------	AV	REC
ADDED PROPOSED R/W LINE & 5' EASEMENT EAST SIDE	01/24/08	------	AV	REC
UPDATE SURVEY	06/01/11	------	AV	REC
REVISED PER TITLE COMMITMENT	06/07/11	------	AV	REC
UPDATE SURVEY	01/08/15	SKETCH	JD	REC

PROJECT NO. 2876-99

SCALE : 1" = 20'

SHEET 1 OF 5 SHEETS

ALTA/ACSM LAND TITLE SURVEY

BLOCK 1
H.C. JELKS SUBDIVISION ON PALM ISLAND
P.B. 2, PG. 35, B.C.R.

ADJACENT OWNER: VACATION BREAK RESORTS, INC.

N89°33'52"E 407.91'

PARCEL B
177,083 SQ. FT.
4.0653 ACRES

VACANT

ROUGH ASPHALT

"OCEAN LAND POMPANO BEACH RESORT"
(P.B. 178, PG. 127, B.C.R.)

VACANT

CANAL

SPANISH RIVER

CANAL RIGHT OF WAY
PER PB 31, PG 20, BCR
(R/W WIDTH VARIES)

SOUTH OCEAN DRIVE (S.R. A1A)

SEE SHEET 3 OF 4

SEE SHEET 4 OF 4

REVISIONS	DATE	FB/PG	DWN	CKD
UPDATE SURVEY WITH TREE LOCATION & ELEVATION	03/08/06	SKETCH	REC	REC
ADDED INVERT ELEVATIONS TO DRAINAGE STRUCTURES	04/06/06	SKETCH	JD	REC
REVISED FLOOD ZONE INFORMATION	05/12/06	------	AV	REC
ADDED ADDITIONAL TREES	08/04/06	------	AV	REC
REVISED Land DESCRIPTION	08/23/06	------	AV	REC
ADDED VEGETATION LINE	10/17/06	------	AV	REC

REVISIONS	DATE	FB/PG	DWN	CKD
ADDED CANOE SECTION FOR SPANISH RIVER CANAL	10/23/06	126/68	AV	REC
MINOR ADDITIONS	06/01/07	SKETCH	AV	REC
MINOR REVISIONS PER COMMENTS RECEIVED	06/14/07	SKETCH	AV	REC
MINOR REVISIONS PER ALTA / ACSM REQUIREMENTS	06/19/07	SKETCH	AV	REC
REVISIONS PER ATTORNEYS COMMENTS	06/28/07	SKETCH	AV	REC
REVISIONS PER CHAMBERLAIN & ADDED MMW	07/16/07	SKETCH	AV	REC

REVISIONS	DATE	FB/PG	DWN	CKD
REVISED CERTIFIED TO	04/23/07	------	AV	REC
REVISED CERTIFIED TO	10/08/07	------	AV	REC
ADDED PROPOSED R/W LINE & REMOVED 8' EASEMENT EAST SIDE	03/24/08	------	AV	REC
UPDATE SURVEY	06/01/11	------	AV	REC
REVISED PER TITLE COMMITMENT	06/07/11	------	AV	REC
UPDATE SURVEY	01/08/13	SKETCH	JD	REC
	01/28/13	SKETCH	REC	REC
	01/13/13	SKETCH	REC	REC

COUSINS SURVEYORS & ASSOCIATES, INC.
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DAVIE, FLORIDA 33314
CERTIFICATE OF AUTHORIZATION : LB # 6448
PHONE (954)689-7766 FAX (954)689-7799

CLIENT : MERRIMAC VENTURES

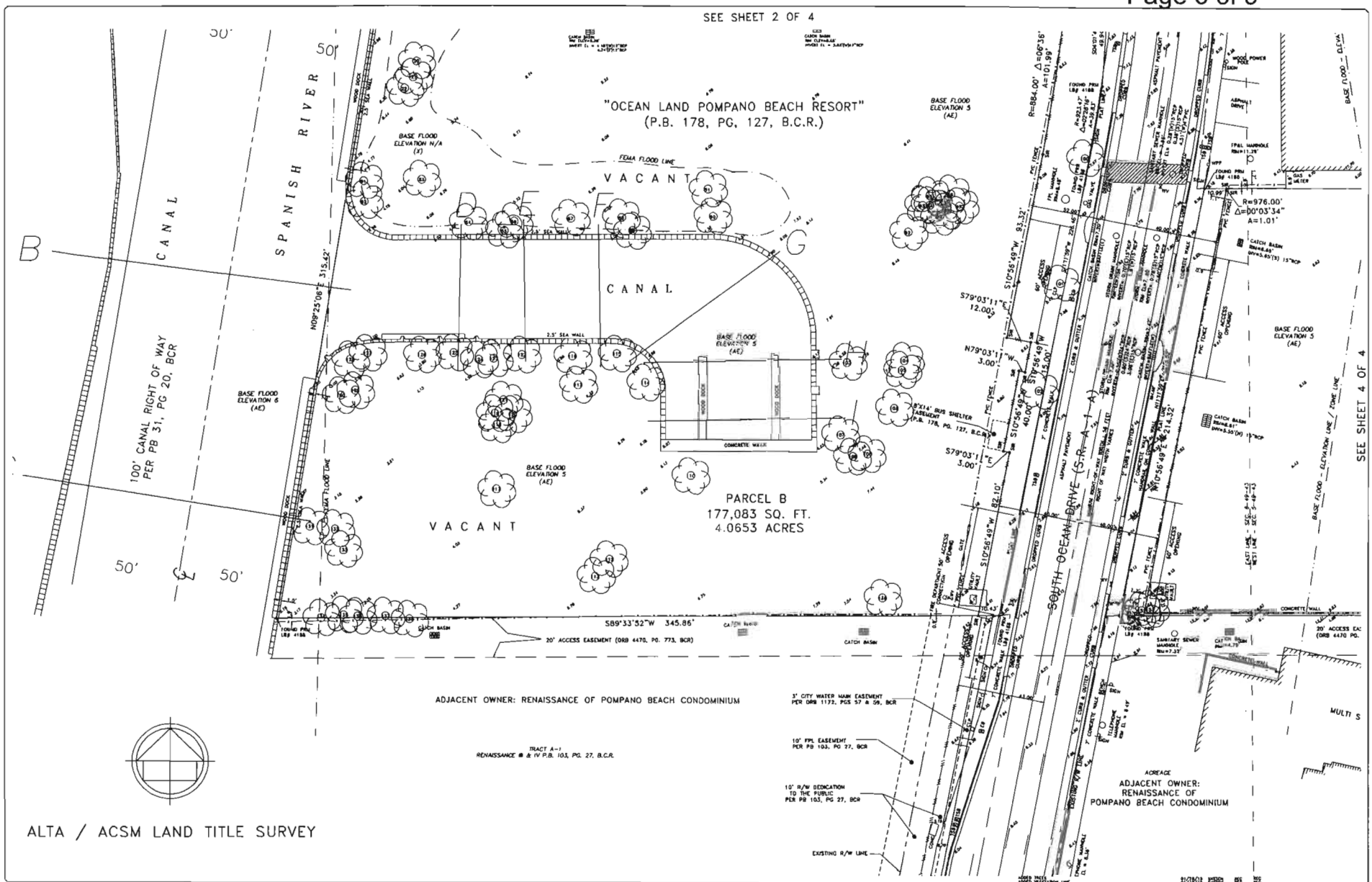
1350 SOUTH OCEAN DRIVE
POMPANO BEACH, FLORIDA

PROJECT NO 2876-98

SCALE : 1" = 20'

SHEET 2 OF 5 SHEETS

EXHIBIT "A"



ALTA / ACSM LAND TITLE SURVEY

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CLIENT : MERRIMAC VENTURES

1350 SOUTH OCEAN DRIVE
POMPANO BEACH, FLORIDA

REVISIONS	DATE	FB/PG	DWN	CKD
UPDATE SURVEY WITH TITLE LOCATION & ELEVATION	03/04/06	SKETCH	REC	REC
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ADDED ADDITIONAL TREES	08/08/06	------	AV	REC
REVISED LAND DESCRIPTION	08/23/06	------	REC	REC
ADDED VEGETATION LINE	10/17/06	------	AV	REC

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REVISIONS PER GROUNDSOUND & ADDED GRAC	07/19/08	SKETCH	AV	REC

REVISIONS	DATE	FB/PG	DWN	CKD
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REVISED CERT [illegible]	10/08/08	------	AV	REC
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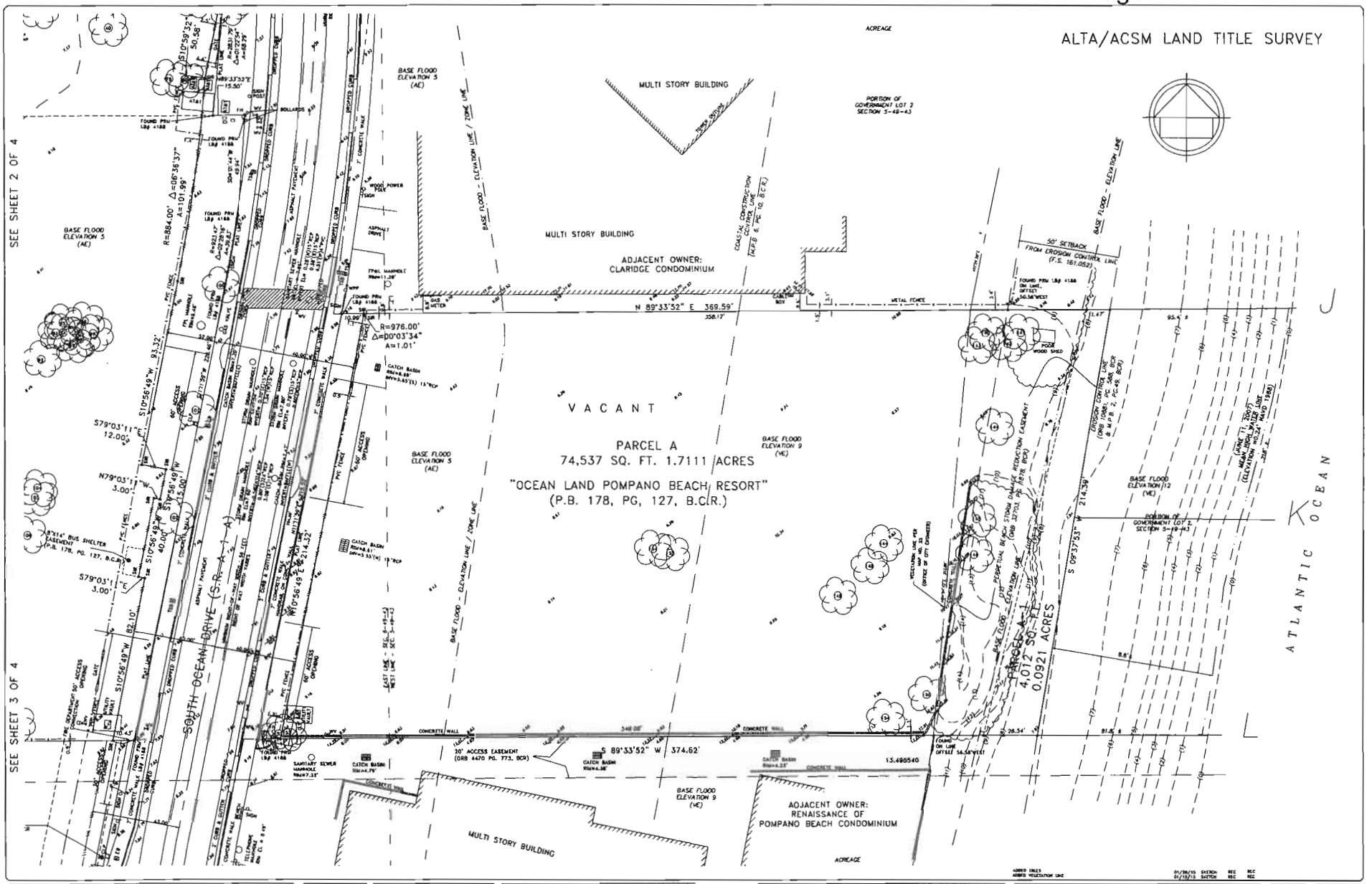
REVISED PER TITLE COMMITMENT	06/07/11	------	AV	REC
UPDATE SURVEY	01/08/13	SKETCH	AV	REC

PROJECT NO 2876-99

SCALE : 1" = 20'

SHEET 3 OF 5 SHEETS

ALTA/ACSM LAND TITLE SURVEY



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ADDED ADDITIONAL TREES	06/08/06	------	AV	REC
REVISED LAND DESCRIPTION	09/22/06	------	AV	REC
ADDED VEGETATION LINE	10/17/06	------	AV	REC

REVISIONS	DATE	FB/PG	DWN	CKD
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[illegible] PER COUNTY REQUEST	06/11/07	SKETCH	AV	REC
[illegible] PER ALTA / ACSM REQUIREMENTS	06/19/07	SKETCH	AV	REC
[illegible] PER ATTORNEYS COMMENTS	06/28/07	SKETCH	AV	REC
[illegible] PER ENCROACHMENT & ADDED SHED	07/18/07	SKETCH	AV	REC

REVISIONS	DATE	FB/PG	DWN	CKD
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REVISED [illegible]	10/08/07	------	AV	REC
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UPDATE SURVEY	06/01/11	------	AV	REC
REVISED PER TITLE COMMITMENT	06/07/11	------	AV	REC
UPDATE SURVEY	01/08/15	SKETCH	JD	REC
ADDED LINES	01/08/15	SKETCH	REC	REC
ADDED VEGETATION LINE	01/13/15	SKETCH	REC	REC

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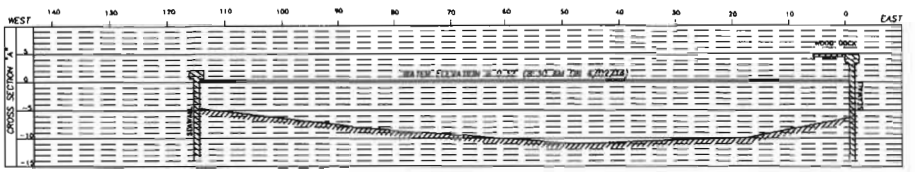
1350 SOUTH OCEAN DRIVE
POMPANO BEACH, FLORIDA

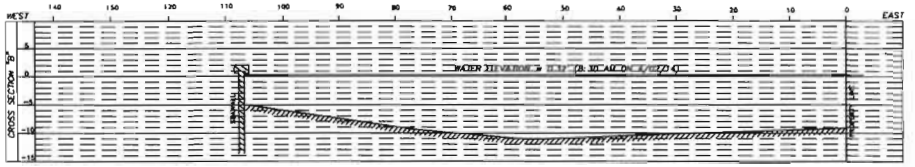
PROJECT NO 2876-99

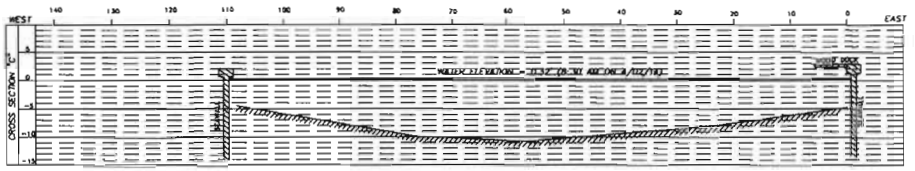
SCALE : 1" = 20'

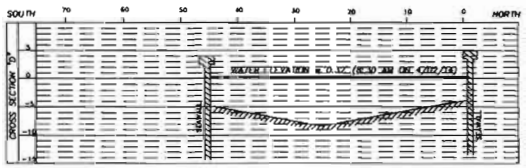
SHEET 4 OF 5 SHEETS

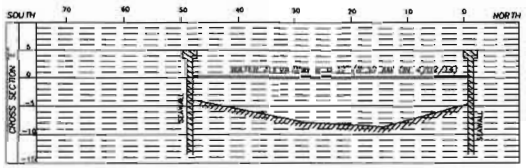
ALTA / ACSM LAND TITLE SURVEY

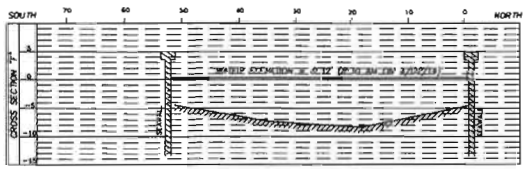












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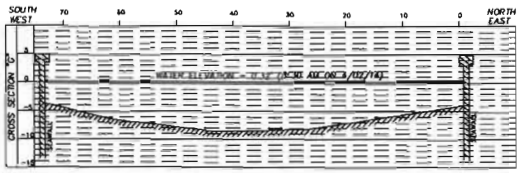

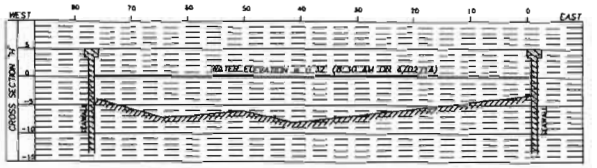

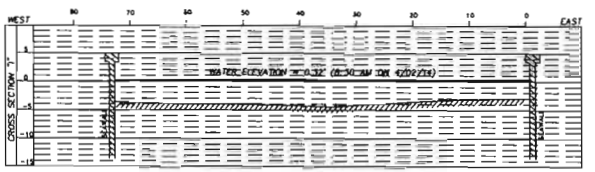

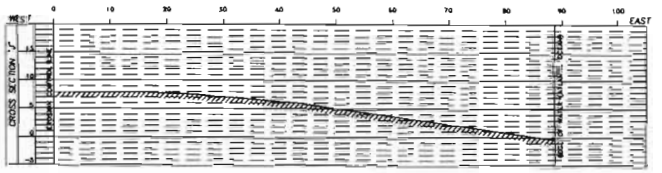

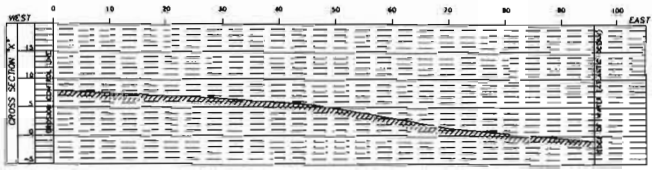

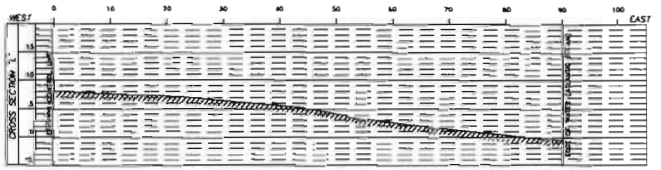

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CERTIFICATE OF AUTHORIZATION : LB # 6448
PHONE (954)689-7766 FAX (954)689-7799

CLIENT : MERRIMAC VENTURES

1350 SOUTH OCEAN DRIVE
POMPANO BEACH, FLORIDA

REVISIONS	DATE	FB/PG	DWN	CKD
UPDATE SURVEY WITH NEW LOCATION & ELEVATION	02/06/06	SKETCH	REC	REC
ADDED NEWEST EVELUATION TO MANAGE STRUCTURES	02/06/06	SKETCH	JD	REC
REVISED FLOOD ZONE [illegible]	03/24/06	-----	AV	REC
ADDED ADDED [illegible] TREES	[illegible] 6/06	-----	AV	REC
REVISED LEGAL DESCRIPTION	08/21/06	-----	AV	REC
ADDED VEGETATION LINE	10/17/06	-----	AV	REC

REVISIONS	DATE	FB/PG	DWN	CKD
ADDED [illegible] FOR SPANISH RIVER CANAL	10/23/06	12/48	AV	REC
[illegible]	06/01/07	SKETCH	AV	REC
[illegible] PER COMMENTS [illegible]	06/14/07	SKETCH	AV	REC
[illegible] PER ALTA / ACSM [illegible]	06/14/07	SKETCH	AV	REC
[illegible] PER [illegible] COMMENTS	08/28/07	SKETCH	AV	REC
REVISIONS PER CO[illegible] ZONE & ADDED [illegible]	07/18/08	SKETCH	AV	REC

REVISIONS	DATE	FB/PG	DWN	CKD
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ADDED VEGETATION LINE	01/12/15	SKETCH	REC	REC
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REVISED CERTIFICE TO	10/08/07	-----	AV	REC
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UPDATE SURVEY	06/01/11	-----	AV	REC
REVISED PER TITLE COMMITMENT	06/02/11	-----	AV	REC
UPDATE SURVEY	01/06/15	SKETCH	JD	REC

PROJECT NO: 2878-99

SCALE : 1" = 20'

SHEET 5 OF 5 SHEETS

EXHIBIT "B"
REGULATING PLAN

WH Pompano

1333 South Ocean Boulevard (West Parcel)

Planned Development - Infill (PD-I)

A PD-I Rezoning Application to the
City of Pompano Beach, FL

Submitted June 5, 2015

Prepared for

WH POMPANO, LP
300 SW 1ST AVENUE, SUITE 106
FORT LAUDERDALE, FL 33301
PH: 954-522-6556

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Engineer/Planner/Surveyor

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Prepared by:

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EXHIBIT B Current Zoning

EXHIBIT C Current Future Land Use

EXHIBIT D Permitted Principal and Accessory Uses

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PD-1 PD Regulating Plan

PD-2 Water and Sewer Plan

I. INTRODUCTION

Purpose and Intent

The subject parcel represents a unique development challenge due to the surrounding residential uses immediately to the east and west, as well as the residential and commercial uses to the north and south. The Developer has met extensively with the neighbors and city staff to propose innovative solutions for these competing interests. Items such as a public art installation, access to the Intracoastal Waterway, floor plate limitations on the tower and increased setbacks will enhance the public pedestrian experience, will help to preserve view corridors from surrounding buildings and provide a public benefit. Lastly, the Developer is incorporating electric car charging stations and innovative bike storage systems to encourage multi-modal forms of transportation, which will result in decreased traffic and congestion while improving overall quality of life for residents and the public as a whole.

The Planned Development - Infill (PD-I) district is established to accommodate small-site infill development within the city's already developed areas such as this site. The PD-I district will provide the flexibility to enable high-quality, mixed-use development on this relatively small site, yet will include design requirements that ensure that the infill development is compatible with surrounding development and available public infrastructure. The PD-I district rezoning is appropriate for the pending Residential-High Land Use Category.

The PD-I rezoning includes innovative design concepts that preserve view corridors, encourage multi-modal forms of transportation, require extensive landscaping and increased setbacks, and create additional open space beyond that required by traditional zoning classifications. Furthermore, the PD-I rezoning protects the neighborhood by limiting permitted uses on the site to those that are consistent with the surrounding properties and minimize traffic and noise in the area. This allows for more appropriate development that addresses the specific needs of infill development like the subject site and is sensitive to existing neighbors. Where appropriate, setbacks are being increased to provide additional open space and public access to the Intracoastal Waterway is being provided. These changes will directly and positively impact our neighbors and the surrounding areas, help alleviate concerns related to congestion and noise which can impact the entire city given the lack of alternative routes in this area, while allowing flexibility in building design to achieve these results in an economically feasible manner.

The purpose and intent of this document is to establish specific standards and procedures for the development of the subject property as a Planned Development - Infill (PD-I). This Planned Development (PD) document was developed in accordance with the standards and procedures set forth in Section 155.3602 (General Standards for Planned Development Districts) and Section 155.3607 (Planned Development – Infill PD-I) of the City of Pompano Beach's Land Development Code.

Project Location and Size

The subject site is located on the west side of South Ocean Boulevard between SE 13th Street and Terra Mar Drive. An aerial location map is provided below. Further, the currently vacant property is located between the 10 story Wyndam Hotel to the north, State Road A-1-A to the east, the 11 story Renaissance Condominium to the South and Spanish River to the west.

Location Map

The legal description of the subject property is:

Parcel B of Ocean Land Pompano Beach Resort, as recorded in Plat Book 178, at Page 127 of the Public Records of Broward County, Florida.

The PD project is being proposed for development by WH Pompano, L.P. The subject site is 4.6 gross acres and 4.1 net acres. The property is currently zoned B-3. The project is also the subject of an active Land Use Plan Amendment application to designate the property as High Residential (46 du/ac) on the City and County Land Use Plans. The PD-I rezoning application would not be in full force and affect until the Land Use Plan Amendment is approved by the City of Pompano Beach, Broward County and recertified by the Broward County Planning Council. The property is an infill site, with all adjacent properties being fully developed. The PD-I rezoning is appropriate to uniquely address the context-sensitive nature of the neighboring properties that currently exist and the strategic planning of city staff.

The project Legal Description is included in **Exhibit A**. The City's current Zoning Map and Future Land Use Plan Map are included as **Exhibits B & C.**

II. GENERAL STANDARDS FOR PLANNED DEVELOPMENT DISTRICT

A. PD Plan

1. Planning Objective

The Planned Development - Infill (PD-I) district is established to accommodate small-site infill development within the city's already developed areas such as this site. The PD-I district will provide the flexibility to enable high-quality, mixed-use development on this relatively small site, yet require design elements that ensure that the infill development is compatible with both surrounding existing development and available public infrastructure. The PD-I districts is consistent with the pending Residential-High Land Use category and will further restrict development of the site from that which would otherwise be permitted under a traditional zoning category.

To accomplish the objective, the project will be designed to be consistent and compatible with surrounding properties on the barrier island.

The project will be designed with many innovative features. They will include:

- Massing/Building Design.
  Based on community input, the preservation of views from abutting existing properties was considered desirable. Also, improving the pedestrian experience to encourage more activity along the public right-of-way was mentioned numerous times. The applicant is proposing an innovative response to the preservation of view corridors and improved pedestrian experience by limiting the size of the developable floor plates in the following manner:

  - If a building is constructed to a height that exceeds 105 feet, then the floor plates will be restricted to 18,000 square feet for floors 6 and above to ensure a thinner tower component, which will increase light and air at the pedestrian level while also minimizing impacts of massing on existing view corridors.

  By limiting the floor plates for all towers, currently only residential buildings have floor plate restrictions, the PD-I will encourage taller slender buildings regardless of use.

  The project also exceeds the following intensity and dimensional standards:
  - The front setback of a building will exceed the RM-45 requirement by an additional 20 feet.
  - The side setbacks of a building will exceed the RM-45 requirement by an additional 5 feet.
  - The rear setback of a building along the water will exceed the RM-45 requirement by an additional 5 feet.
  - A building floor plate will be restricted to 18,000 sf between the 6th and 15th if the building exceeds 105 feet in height.
  - The project proposes a 86% reduction in the number of permitted uses; and
  - A 47% reduction in the number of allowed accessory uses.

  Below is a visual comparison of the maximum massing by the current zoning B-3, the traditional RM-45 zoning classification and the high rise version of the PD-I zoning being proposed by WH Pompano. The PD-I zoning restrictions will significantly enhance and protect view corridors around the building mass thus providing a superior alternative to traditional zoning categories.

Figure 1 shows the maximum buildable area permitted by the B-3 zoning district. This district would allow a maximum of 1,071,000 sf with a 105 foot height limit.

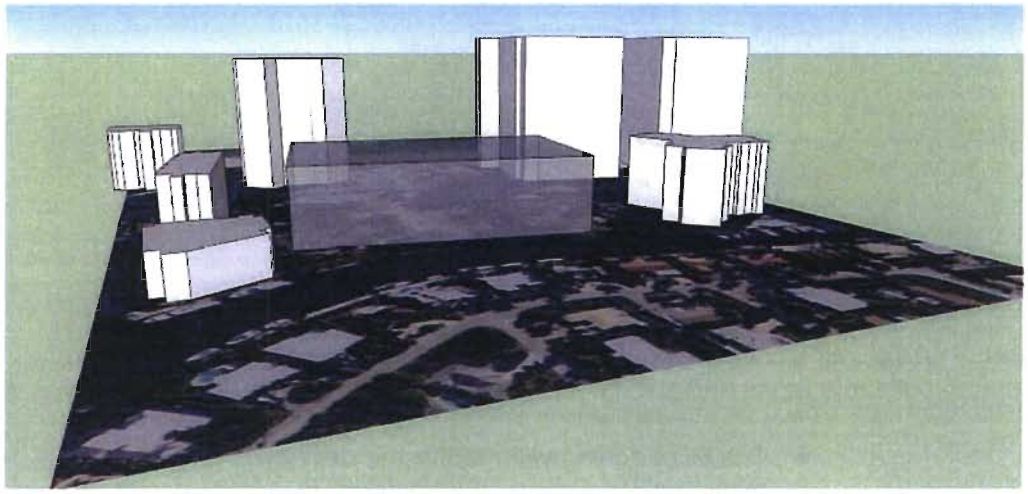


Figure 2 shows the maximum buildable area permitted in the RM-45 zoning district. This district would allow a maximum of 5 separate buildings with a total of 1,000,000 sf and a 105 foot height limit.

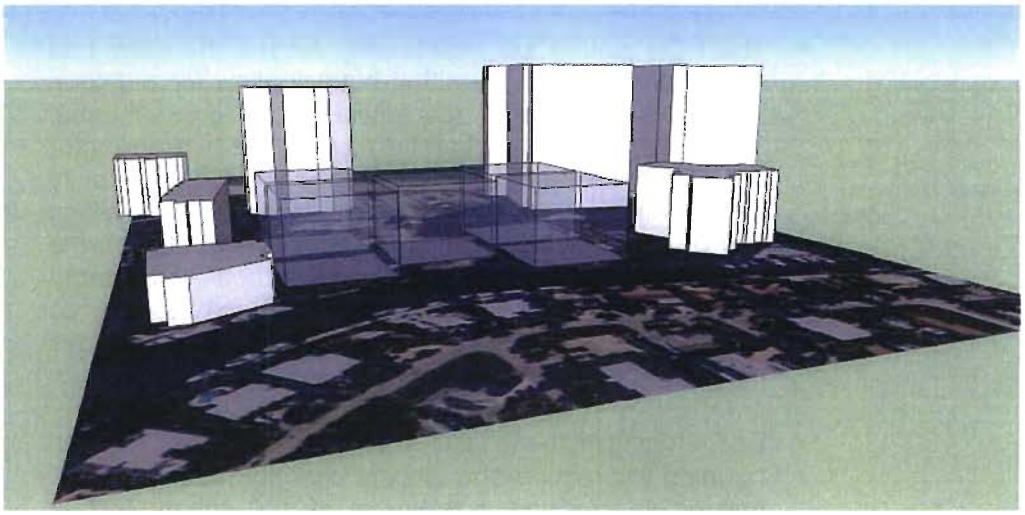
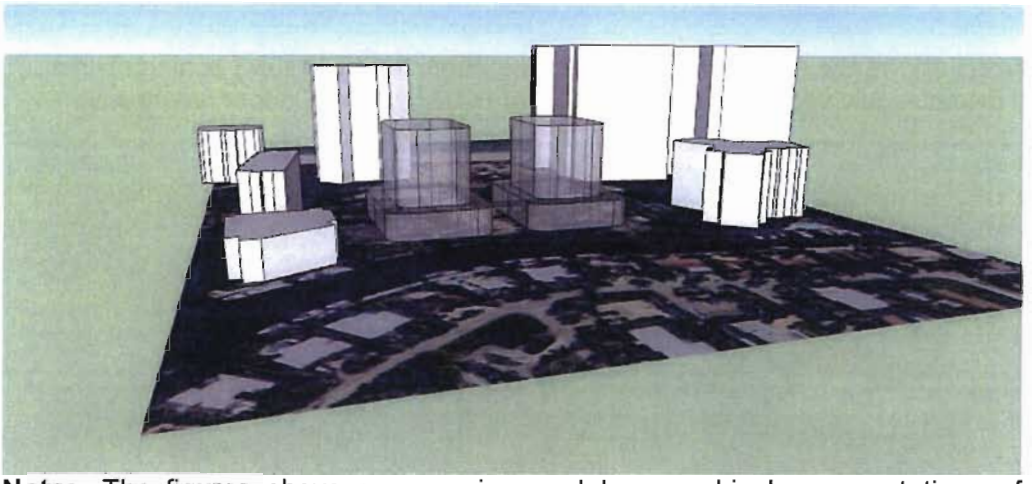


Figure 3 shows the maximum buildable area proposed in the PD-I zoning district under a 2-tower scenario. This district would allow a maximum of two buildings 844,000 sf with a 150 foot height limit.



Note: The figures above are massing models - graphical representations of maximum buildable areas and are not representations of actual building designs.

- The PD-I zoning will require the developer to exceed the minimum landscape requirements in terms of size and number of plantings from that which would be allowed under a traditional zoning category. This will result in a project with lush tropical foliage that will enhance the pedestrian experience. The project will incorporate native plantings.

- The PD-I zoning will significantly restrict the uses that would otherwise be permitted but will allow for a unique mix of uses including residential, retail, docks/marina. These uses have the potential to enhance walkability for the surrounding area by possibly providing the opportunity for shopping and water related experiences within walking and biking distance. Furthermore, two boat slips in the marina will be dedicated to use by a boat club/shared boating service to provide neighborhood access to intracoastal boating, which is a unique amenity that does not currently exist in the neighborhood.

- Encouraging multi-modal forms of transportation. The PD-I zoning will require one electric charging station per 50 parking spaces and a minimum of 100 square feet of

bicycle storage per building that is not otherwise required under traditional zoning. Furthermore, if a condominium is developed, hanging bicycle hooks will be required at a ratio of one per two parking spaces. The site is also easily accessed by mass transit via a bus shelter easement located directly on A-1-A. Pedestrian and bicycle paths will be designed within the site and connect to the public right-of-way, encouraging the use of public transportation and reduced traffic congestion.

2. General Development Areas

The subject site is located on the west side of South Ocean Boulevard (SR A-1-A) between SE 13th Street and Terra Mar Drive in the City of Pompano Beach, Florida. Access to the site will be provided via two access points along South Ocean Boulevard.

3. Type and Mix of Uses

The PD-I will restrict the number of residential units, density of the site and nonresidential floor area as provided in the table below.

Max. Residential Use		
Use Type	Units	**DU/acre**
Dwelling Unit	211 units	46
TOTAL	211 units or	46
Max. Non-Residential Use		
Use Type		Square Feet
Commercial Uses (Exhibit D) (Maximum 10,000 sf per building and Maximum 5,000 sf per commercial use)		20,000 sf
TOTAL		20,000 sf

4. Open Space

The project site directly abuts the Spanish River which opens to Lettuce Lake and the Intracoastal Waterway. The general location and type of on-site open space will be depicted on the

PD Plan **(PD-1).** Efforts will be made to incorporate direct access to Spanish River for the public.

In addition to direct access to Spanish River and the Intracoastal Waterway, recreation and open space opportunities for the residents of the site may also be incorporated into the rooftops of the parking podiums of the proposed building(s). Examples may include lush landscaped areas, pools and lounging areas.

5. Natural Features

The project site is not listed on Broward County's Protected Natural Lands Inventory and contains no identified archaeological or environmentally significant features such as wetlands, listed species or listed species habitat. The project site directly abuts the Spanish River which opens to Lettuce Lake and the Intracoastal Waterway. At the time of site plan review, a tree survey will be provided in accordance with City requirements

WH Pompano will design the project to embrace its riverside positioning by creating interesting strolling avenues where residents and guests can enjoy the serene waters of the Spanish River in an ecologically aesthetic environment.

6. Access/Transportation/Circulation

Access to the site is provided via three access points on South Ocean Boulevard (SR A-1-A).

The subject site is also well positioned to take advantage of mass transit opportunities due to its location along South Ocean Boulevard. A bus shelter easement has been reserved in the property. The site is serviced by Broward County Transit route 11; and is within walking distance of Pompano Beach Community Bus Green Route. Residents will easily be able to access mass transit and transfer to other connections/destinations.

The on-site vehicular traffic and pedestrian circulation systems is depicted on the PD Plan **(PD-1).**

7. Potable Water/Wastewater

There are currently adequate public water and wastewater facilities available to service the proposed project. The general location of proposed on-site potable water and wastewater facilities are depicted on the Conceptual Master Utilities Layout **(PD-2)**. On-site potable water and wastewater facilities will connect to city systems.

8. Stormwater Management

As required by regulations of the City of Pompano Beach and Broward County, all stormwater will be retained on-site. The general location of proposed on-site stormwater management facilities will be depicted on the civil engineering drawings submitted with the site plan.

9. On-site Public Facilities

Retail facilities will be open to the public. WH Pompano intends to take advantage of being located directly on the Spanish River by providing water-oriented activities including boating opportunities to residents and the public. One boat slip in the marina will be dedicated to use by a boat club to provide access to intracoastal boating, which is a unique amenity that does not currently exist in the neighborhood. The applicant will commit to participating in a public art project, which will enhance the pedestrian experience and neighborhood aesthetic. No additional on-site public facilities other than the ones specified above are anticipated other than typical fire protection, solid waste facilities and franchised utilities.

B. Consistency with City Plans

The PD-I zoning designation, PD Plan and Agreement are consistent with the proposed Comprehensive Plan amendment under review. The PD-I zoning will permit the development of up to 211 residential units Commercial uses are permitted pursuant to regulations within the Pompano Beach Comprehensive Plan and further defined in the permitted principal and accessory use table provided in **Exhibit D**. This allows the property a mix of uses which are consistent and compatible with existing adjacent uses.

C. Compatibility with Surrounding Areas

The subject site is being developed in a manner that ensures the proposed mixed use development is context sensitive to adjoining existing land uses. The residential and commercial uses of the subject site in relation to adjacent residential, hotel and commercial uses in effect promotes an environment of complementary mixed uses while ensuring that the residential use of the subject site is not adversely impacted. The building(s) design will take into account the preservation of view corridors and maximize compatibility of height and mass with the surrounding properties. Furthermore, the project will provide public access to the Spanish River in a beautiful setting the community can enjoy.

D. Development Phasing Plan

The development of the proposed project is planned to be a maximum of two (2) phases.

E. Conversion Schedule

There is no conversion schedule associated with the residential or commercial uses proposed for the project. The commercial uses shall be permitted pursuant to regulations within the Pompano Beach Comprehensive Plan and further defined in the permitted principal and accessory use table provided in **Exhibit D**.

F. Dedications

The developer/landowner has dedicated all required public the rights-of-way via the plat for access along South Ocean Boulevard (SR A-1-A). Proposed openings will be reviewed by the Florida Department of Transportation (FDOT). Internal easements shall be provided to utility providers as necessary.

G. PD Agreement

If a separate PD agreement is required by the City, the PD Agreement shall incorporate by reference, but not be limited to:

1. Conditions related to approval of the application for the PD zoning district classification;
2. The PD Plan, including any density/intensity standards, dimensional standards, and development standards established in the PD Plan;

3. Conditions related to the approval of the PD Plan, including any conditions related to the form and design of development shown in the PD Plan;
4. Provisions addressing how transportation, potable water, wastewater, stormwater management, and other public facilities will be provided to accommodate the proposed development;
5. Provisions related to environmental protection and monitoring;
6. Identification of community benefits and amenities that will be provided to compensate for the added development flexibility afforded by the PD district; and
7. Any other provisions the City Commission determines are relevant and necessary to the development of the planned development in accordance with applicable standards and regulations.

III. Planned Development - Infill

A. Purpose

The Planned Development - Infill (PD-I) district is established and intended to accommodate small-site infill development within the city's already developed areas. The PD-I district is intended to provide the flexibility to enable high-quality, mixed-use development on relatively small sites, yet require design that ensures infill development is compatible with both surrounding existing development and available public infrastructure.

B. Use Standards

The project will permit the development of a maximum of 211 residential units. Commercial uses are permitted pursuant to regulations within the Pompano Beach Comprehensive Plan for High Residential land use and further defined in the permitted principal and accessory use table provided in **Exhibit D**. The commercial use is limited to a total of 20,000 square feet for the entire project as well as a maximum of 10,000 square feet per building and maximum 5,000 square feet per commercial use.

The Permitted Principal use list for PD-I in the Pompano Land Development Code includes 111 permitted uses. The developer is proposing only 16 of the 111 permitted uses. This is 86% reduction in the number of permitted uses. Likewise, the Accessory Uses list for PD-I in the Pompano Land Development Code includes 45

accessory uses. The developer proposes only 24. This is a 47% reduction in the number of accessory uses for this project. Attached in **Exhibit D** is the proposed Permitted Principle and Accessory Use List. These reductions protect the neighborhood from uses which would be incompatible with the surrounding developments.

C. Intensity and Dimensional Standards

Site intensity and dimensional standards for the project are provided in **Exhibit E** and in the PD Plan.

In addition to the standard intensity and dimension standards included in **Exhibit E**, WH Pompano proposes to restrict the floor plates of the proposed development by creating the following floor plate restriction

- If a building is constructed to a height that exceeds 105 feet, then the floor plates will be restricted to 18,000 square feet for floors 6 and above to ensure a thinner tower component, which will increase light and air at the pedestrian level while minimizing impacts of massing on existing view corridors.

This restriction ensures that buildings benefitting from the additional height allowance would be restricted in a manner that will improve the pedestrian experience and preserve view corridors by encouraging taller slender buildings.

D. Development Standards

Site specific development standards for the project are provided in **Exhibit F**.

E. Deviations and Justifications

Site deviations and justifications for the project are provided in **Exhibit G** and in the PD Plan.

EXHIBITS

EXHIBIT A

Legal Description

Parcel B of Ocean Land Pompano Beach Resort, according to the Plat thereof, as recorded in Plat Book 178, at Page 127, of the Public Records of Broward County, Florida.

EXHIBIT B

Zoning Map

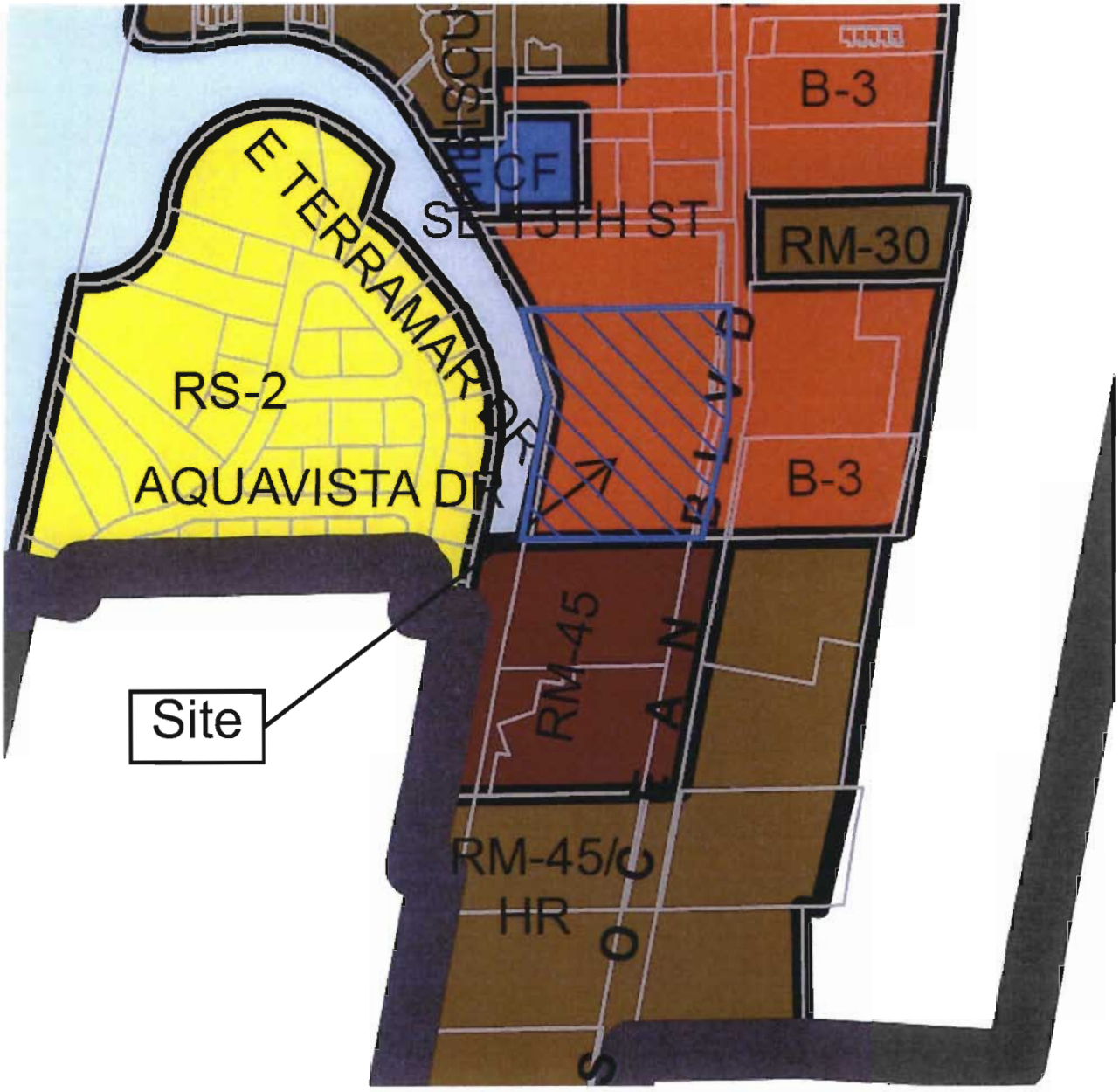


EXHIBIT C

Future Land Use Map

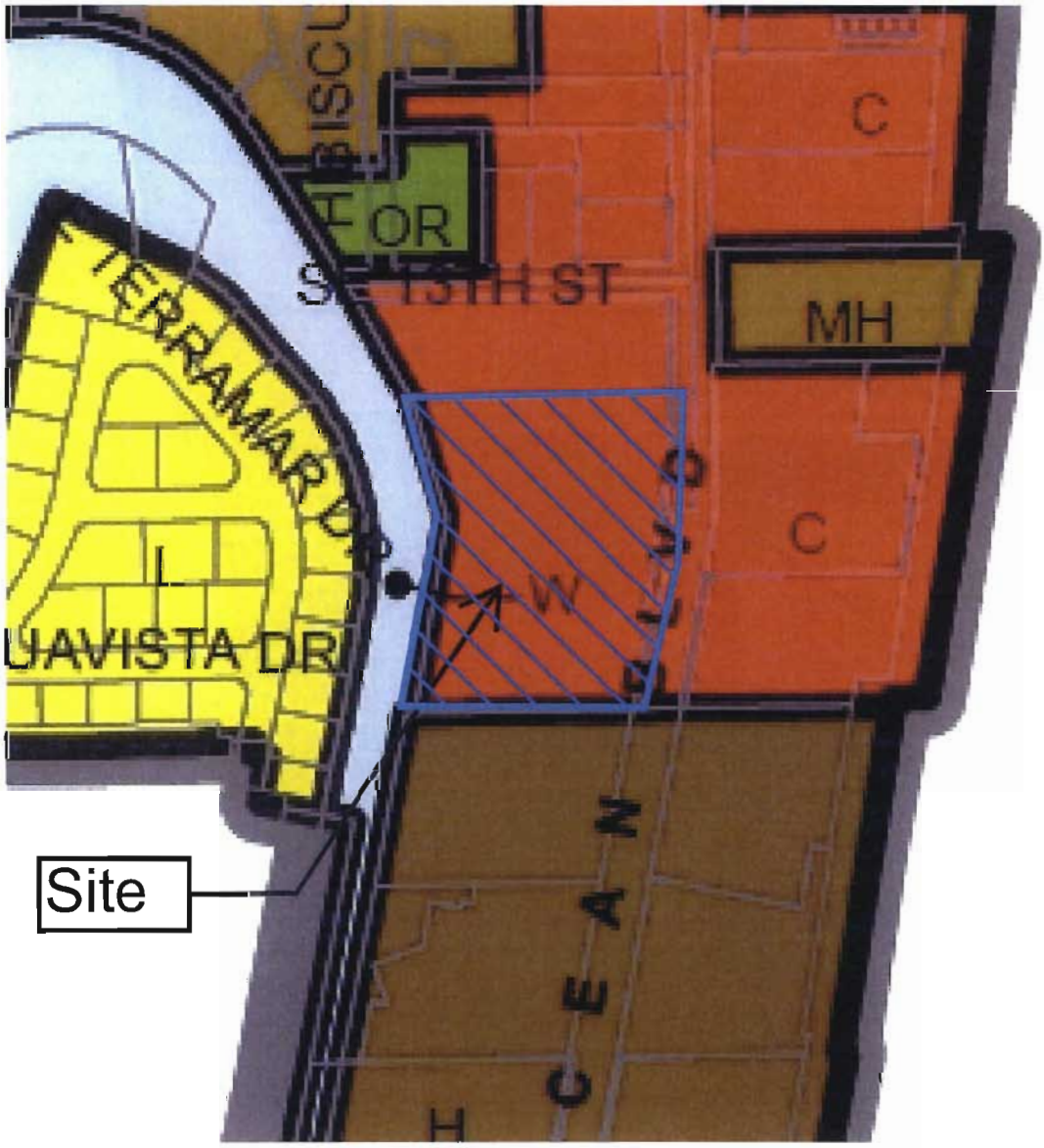


EXHIBIT D

PERMITTED AND ACCESSORY USE TABLE

P = PERMITTED PRINCIPAL USE

A = PERMITTED ACCESSORY USE

USE CATEGORY (PRINCIPAL USES) AND/OR USE TYPE	PLANNED DEVELOPMENT DISTRICT INFILL – PD-I	USE-SPECIFIC STANDARDS
Principal Uses		
Residential		
Dwelling, multifamily	P	155.4202.C
Dwelling, mixed-use	P	155.4202.G
Principal Uses		
Commercial		
Animal grooming	P	155.4214.A
Docking facility, commercial fishing boat	P	155.4215.I
Docking facility, recreational boat	P	155.4215.J
Marina	P	155.4215.K
Travel agency	P	155.4216.G
Specialty eating or drinking establishment	P	155.4218.F
Contractor's office	P	155.4220.A
Professional Office	P	155.4220.B
Art, music, dance studio	P	155.4221.A
Bank or financial institution	P	155.4221.C
Dry cleaning or laundry drop-off establishment	P	155.4221.E
Personal services establishment	P	155.4221.K
Art gallery	P	155.4222.B
Book or media shop	P	155.4222.D
Convenience store	P	155.4222.F
Drug store or pharmacy	P	155.4222.G
Other retail sales establishment	P	155.4222.P
Commercial Uses listed above are limited to a maximum of 20,000 square feet for the entire project, a maximum of 10,000 square feet per building, and a maximum of 5,000 square feet per use.		

EXHIBIT D

Accessory Uses		
Automated teller machine (ATM)	A	155.4303.C
Bike rack	A	155.4303.D
Canopy, vehicular use	A	155.4303.E
Dock	A	155.4303.H
Electric vehicle (EV) level 1 or 2 charging	A	155.4303.K
Electric vehicle (EV) level 3 charging	A	155.4303.L
Fence or wall	A	155.4303.O
Garage or carport	A	155.4303.P
Green roof	A	155.4303.R
Home based business	A	155.4303.S
Outdoor display of merchandise	A	155.4303.U
Outdoor seating, including sidewalk cafes (as accessory to eating and	A	155.4303.V
Rainwater cistern or barrel	A	155.4303.Z
Retail sales (as accessory uses)	A	155.4303. BB
Satellite dish	A	155.4303. CC
Small wind energy system	A	155.4303. DD
Solar energy collection system	A	155.4303. EE
Swimming pool or spa or hot tub	A	155.4303.GG
Television or radio antenna	A	155.4303.HH
Mechanical Equipment and similar	A	155.4303.JJ
Uncovered porches, decks, patios, terraces, or walkways	A	155.4303.KK
Flagpoles	A	155.4303.LL
Lighting fixtures, projecting or freestanding	A	155.4303.MM
Gazebo	A	155.4303.NN
Eating and drinking establishments (as an accessory use)	A	155.4303.PP

EXHIBIT E

Intensity and Dimensional Standards

C. Intensity and Dimensional Standards [1]	PD-I	B-3	Variance w/PD-I	RM-45	Variance w/ PD-1
Lot area, minimum (sq ft)	N/A	10,000 [2]	N/A	8,800	N/A
Lot width, minimum (ft)	N/A	100 [2]	N/A	75	N/A
Density, maximum (du/ac)	46	46 [2,3]	None	45	+1
Lot coverage, maximum (% of lot area)	60	60	None	60 [2]	None
Pervious area, minimum (% of lot area)	25	20	+5	25 [2]	None
Height, maximum (ft)	150	105 [4]	+45	105 [4]	+45
Front yard setback, minimum (ft)	45	0	+45	25	+20
Street side yard setback, minimum (ft)	20	0 [2,5]	+20	10 [2,6]	+10
Setback from a waterway or canal, minimum (ft)	30	15	+15	25	+5
Setback from a dune vegetation line, minimum (ft)	25	25	None	25	None
Interior side yard setback, minimum (ft)	15	0 [2,5]	+15[8]	10 [2,6]	+5[8]
Rear yard setback, minimum (ft)	30	30 [5]	None	10[6]	+20
Spacing Between Principle Structures	40	None	+40	25	+15
Maximum Building Floor Plate	18,000[7]	None	+18,000	20,000	-2,000
Maximum Commercial Square Footage[9]	20,000	None	N/A	None	N/A

NOTES: [sq ft = square feet; ft = feet; du/ac = dwelling units/acre]

1. See measurement rules and allowed exceptions/variations in Article 9: Part 4.
2. For townhouse development, applies only to the development site as a whole, provided individual townhouse lots have a minimum area of 1,800 sq ft and a minimum width of 18 ft.
3. 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.
4. Structures within the Air Park Overlay (APO) zoning district must also comply with the height limits in Section 155.3707.
5. B-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.
6. RM-45. Those portions of a structure extending above a height of 20 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 20 ft.
7. PD-I. Applies to tower floor plates above the 6th floor.
8. Subject to building height.
9. Also restricted to 10,000 square feet per building and 5,000 square feet per use.

EXHIBIT F

ARTICLE 5: DEVELOPMENT STANDARDS
Part 1 Access, Circulation, Parking, and Loading
155.5101. Access and Circulation
155.5102. Off-Street Parking and Loading
Part 2 Landscaping and Tree Preservation
155.5201. Purpose
155.5202. Best Management Practices; Administrative Manual
155.5203. Landscaping
155.5204. Tree Preservation
155.5205. Florida-friendly Fertilizer Use
Part 3 Screening, Fences, and Walls
155.5301. Screening
155.5302. Fences and Walls
Part 4 Exterior Lighting
155.5401. General Exterior Lighting Standards
155.5402. Lighting Requirements for Marine Turtle Protection

Part 8 Sustainable Development Standards
155.5801. Purpose
155.5802. Sustainable Development Point Requirement
155.5803. Bonuses for Sustainable Development Features

EXHIBIT F

Note: Changes/Deviations to the adopted City Code as of May 5, 2015.

PART 1 ACCESS, CIRCULATION, PARKING, AND LOADING

155.5101. ACCESS AND CIRCULATION

A. Purpose

The purpose of this section is to ensure that developments are served by a coordinated multimodal transportation system that permits the safe and efficient movement of motor vehicles, emergency vehicles, transit, bicyclists, and pedestrians within the development and between the development and external transportation systems, neighboring development, and local destination points such as places of employment, schools, parks, and shopping areas. Such a multimodal transportation system is intended to provide transportation options, increase the effectiveness of local service delivery, reduce emergency response times, promote healthy walking and bicycling, facilitate use of public transportation, contribute to the attractiveness of the development and community, connect neighborhoods and increase opportunities for interaction between neighbors, reduce vehicle miles of travel and travel times and greenhouse gas emissions, improve air quality, minimize congestion and traffic conflicts, and preserve the safety and capacity of community transportation systems.

B. Applicability

All applications for approval of a Major Site Plan shall comply with the standards in this section, except the sections listed below are also required for applications for approval of a Minor Site plan, in which the application includes a change in circulation:

1. Section 155.5101.G, Vehicular Access and Circulation
2. Section 155.5101.C, Consistency with Plans
3. Section 155.5101.H, Bicycle Access and Circulation
4. Section 155.5101.I, Pedestrian Access and Circulation

C. Consistency With Plans

The design and construction of access and circulation systems associated with a development shall be consistent with the transportation goals, objectives, and actions in the Pompano Beach Comprehensive Plan, the Pompano Beach Master Arterial Street Plan, Broward County Trafficways Plan, and other city-adopted plans addressing transportation (including transportation plans, transit plans, corridor plans, and small area plans).

D. Multimodal Transportation System

Access and circulation systems associated with a development shall provide for multiple travel modes (vehicular, transit, bicycle, and pedestrian), as appropriate to the development's size, character, and relationship to existing and planned community transportation systems. Vehicular, transit, bicycle, and pedestrian access and circulation systems shall be coordinated and integrated as necessary to offer the development's occupants and visitors improved transportation choices while enhancing safe and efficient mobility throughout the development and the community.

E. Circulation Plan Required

Applications for Major Site Plan Approval (Section 155.2407) shall include a circulation plan that addresses street connectivity, emergency and service vehicle access, parking movements, accommodation of loading operations, turning radii, traffic calming measures where future "cut-through" traffic is likely, and similar issues.

F. Developer Responsibility for Street Improvements

EXHIBIT F

1. On-Site

a. If a street is proposed within a development site, the developer shall provide roadway, bikeway, sidewalk, and other access and circulation improvements in accordance with the standards in this section, and shall dedicate any required rights-of-way or easements.

b. If a development site includes the proposed corridor of a street designated on the Broward County Trafficways Plan as an arterial street, the development shall incorporate provision of the arterial street into the design of the development. The developer shall be responsible for constructing roadway, bikeway, sidewalk, and other access and circulation improvements that meet at least those standards in this section applicable to collector streets, and shall dedicate right-of-way that meets the right-of-way width standards for the arterial street, as appropriate.

2. Off-Site

If a development site fronts on and obtains vehicular access from an existing street, the developer shall be required to dedicate additional right-of-way along the street frontage or in the vicinity of the development and to provide roadway, bikeway, sidewalk, and other access and circulation improvements within the street right-of-way where the city determines such improvements are reasonably necessary to ensure the safe, convenient, efficient, and orderly accommodation of vehicular and pedestrian traffic demands and impacts generated by the proposed development. Such improvements may include, but are not limited to, turn lanes, deceleration and acceleration lanes, widening or paving of substandard roadways, medians, bike lanes, sidewalks, sidewalk ramps and crossings, and the relocation or improvement of utility lines and facilities needed to accommodate street improvements. The extent of required dedications and improvements related to the abutting street shall be roughly proportional to the traffic demands and impacts generated to and along that street by the proposed development.

G. Vehicular Access and Circulation

1. Vehicular Accessway Classifications

As a basis for application of many of the vehicular access and circulation standards in this subsection, proposed and existing vehicular accessways shall be classified in accordance with the following classifications, which reflect the accessway's relative functions in providing access to and from principal origin and destination points and accommodating travel mobility. Driveways represent the lowest basic classification and principal arterial streets the highest basic classification.

a. Driveways

Driveways include accessways that function solely to provide direct and immediate vehicular access between an alley or street and the principal origin and destination points within an abutting development, or part of a large development. They generally handle low vehicular travel speeds and traffic volumes, but may handle moderate to high vehicular traffic volumes within large commercial and mixed-use developments (e.g., driveways within shopping center parking areas).

b. Alleys – Not Applicable

c. Local Streets– Not Applicable

d. Collector Streets – Not Applicable

e. Minor Arterial Streets – Not Applicable

f. Principal Arterial Streets

Principal arterial streets primarily function to channel intercity vehicular traffic to and through the city and to provide travel mobility among the city's major activity centers by connecting minor arterial streets with each other and with collector streets. They include freeways/expressways and other generally major roadways, handle moderate to high travel speeds and traffic volumes over

EXHIBIT F

relatively long distances, and provide very limited direct driveway access to abutting development. Principal arterial streets are designated on the Broward County Trafficways Plan.

2. Required Vehicular Access and Circulation

A development shall be served by a system of vehicular accessways (including driveways, local streets, collector streets, minor arterial streets, and principal arterial streets, as well as alleys, fire lanes, and other parking lot lanes) that permits safe, convenient, efficient, and orderly movement of firefighting and other emergency vehicles, public transit and school buses, garbage trucks, delivery vehicles, service vehicles, and passenger motor vehicles among the following origin and destination points within the development, and between these internal origin and destination points and the external roadway system, as appropriate for the type of vehicle:

a. Firefighting vehicles: Points within the distance from buildings and facilities prescribed for fire department access in the Florida Fire Prevention Code.

b. Other emergency vehicles: Points within 150 feet of all buildings (or the buildable area of lots, for subdivisions), major structures, and major recreational facilities.

c. Public transit and school buses: Designated or planned bus stops and shelters.

d. Garbage trucks: Bulk refuse containers and points within 150 feet of individual refuse receptacle storage/collection sites.

e. Large delivery trucks: Off-street loading spaces.

f. Small delivery trucks, service vehicles, and passenger motor vehicles: Off-street parking spaces.

3. Vehicular Access Management

a. Limitation on Direct Access Along Arterial and Collector Streets

Direct driveway access to a development's principal origin or destination points (including individual lots in a subdivision) shall be located at least 100 lineal feet from an intersection with McNab Road, Blount Road, a principal arterial street, minor arterial street, or collector designated on the Broward County Trafficways Plan. Direct driveway access may be provided directly from a principal arterial street, minor arterial street, or local collector designated on the Broward County Trafficways Plan only if:

i. No alternative direct vehicular access from a lower-classified accessway (e.g., local street, driveway, or alley) is available or feasible to provide;

ii. Only one two-way driveway, or one pair of one-way driveways, is allowed onto lots with 200 or less feet of lot frontage on the arterial or collector street, and no more than one additional two-way driveway or pair of one-way driveways per additional 200 feet of frontage; and

iii. The development(s) served by the driveway is expected to generate an average daily traffic (ADT) count of 1,000 trips or less, or the Development Service Director determines that the origin or destination points accessed by the driveway will generate sufficiently low traffic volumes, and the adjacent arterial or collector street has sufficiently low travel speeds and traffic volumes, to allow safe driveway access while preserving the safety and efficiency of travel on the arterial or collector street.

b. Limitation on Direct Access Along Other Streets – Not Applicable

c. Driveway Intersection Spacing Along State Roads

The minimum spacing between adjacent driveway intersections along a State road—or between a driveway intersection along a State road and an adjacent street intersection—shall comply with the access management standards in Fla. Admin. Code R. 14-97.

d. Shared Driveways

EXHIBIT F

i. Driveway access shared between adjoining lots is encouraged and may be required to limit direct vehicular access along streets (See Sections 155.5101.G.3.a and 155.5101.G.3.b.) or comply with driveway intersection spacing requirements (See Section 155.5101.G.3.c.).

ii. Easements allowing cross-access to and from properties served by a shared driveway, along with agreements defining maintenance responsibilities of property owners, shall be recorded with the Broward County Records Division before issuance of a Zoning Compliance Permit for the development proposing the shared driveway access.

4. Vehicular Connectivity

a. Purpose

The purpose of the following vehicular connectivity standards is to enhance safe and convenient mobility within and between neighborhoods and developments that helps integrate and connect neighborhoods, allow residents to conveniently visit neighbors and nearby activity centers without compromising the capacity of the city's arterial streets to accommodate through traffic, improve opportunities for comprehensive and convenient transit service, enhance efficient provision of public services, and improve the speed and effectiveness with which emergency services and police and fire protection can be provided to city residents and properties.

b. Cross Access Between Adjoining Development – Not Applicable - Abutting properties are developed.

5. General Accessway Layout and Design

a. Coordination with Transit, Bicycle, and Pedestrian Access and Circulation

i. The vehicular access and circulation system of a development located on a site abutting an existing or planned transit route shall accommodate a transit stop and other associated facilities unless the Development Services Director determines that adequate transit facilities already exist to serve the needs of the development.

ii. The vehicular access and circulation system of a development shall be coordinated with the bicycle and pedestrian access and circulation systems within and adjacent to the development to minimize conflicts.

b. Traffic Control and Calming Measures

Traffic-calming measures—such as, but not limited to, diverters, street gardens, and curvilinear alignments—shall be integrated into a development's vehicular circulation system where necessary to mitigate the impact of potential future cut-through traffic.

6. Roadway Layout and Design

Except as otherwise provided in this section, the design and construction of:

a. Roadways for state roads shall be approved by the Florida Department of Transportation in accordance with its roadway design standards;

b. Roadways for county roads shall be approved by Broward County in accordance with its roadway design standards; and

c. Roadways for city streets shall be approved by the Director of Public Works in accordance with the standards in Chapter 100 (Streets and Sidewalks) of the Code of Ordinances.

7. Driveway Layout and Design

a. Driveway Width

All driveways shall comply with the following minimum width requirements:

i. One-way driveways shall be at least 12 feet wide, as measured between the edges of paving.

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ii. Two-way driveways shall be at least 24 feet wide, as measured between the edges of paving.

b. Driveway Width and Dimensional Requirements for Single-Family Dwellings – Not Applicable

c. Dead-End Driveway Length

Driveways that do not connect back to a street shall be no longer than 150 feet unless they include adequate provision for fire trucks to turn around, as approved by the Fire Chief.

d. Driveway Intersections

In addition to the standards in Section 155.5101.G.3.c, Driveway Intersection Spacing Along State Roads, driveway intersections shall comply with the following standards:

i. Alignment

To the maximum extent practicable,

(A) Driveway intersections along a street shall line up with existing or approved driveway or roadway intersections on the opposite side of the street unless the intersections are separated by a median in the street.

(B) The angle of driveway approaches to an intersection with a street shall be approximately 90 degrees for two-way driveways and between 60 degrees and 90 degrees for one-way driveways.

ii. Proximity to Adjoining Property

Except for shared driveways provided in accordance with Section 155.5101.G.3.d, Shared Driveways, driveway intersections shall be spaced from an adjoining property line by at least two feet or such greater distance needed to avoid encroachment of the driveway radius onto the adjacent property or interference with safe use of a driveway on the adjoining property.

iii. Medians in Driveway Entrances

Medians may be provided at driveway entrances provided:

(A) No signage is included within the median other than traffic signs and a monument sign not exceeding a height of three feet;

(B) Planted material within the median is limited to understory trees, shrubs, ground cover, and grass; and

(C) The minimum driveway width is maintained for each travel and turning lane

8. Vehicle Stacking Space

a. For Drive-through and Related Uses – Not Applicable

b. For Parking Lot Entrance Driveways

Nonresidential uses shall provide stacking lanes between the edge of the street right-of-way and entrances into off-street parking areas in accordance with the minimum stacking lane distance established in Table 155.5101.G.8.b: Minimum Stacking Lane Distance for Parking Lot Entrance Driveways. (See Figure 155.5101.G.8.b: Stacking lane for a parking lot entrance driveway.)

TABLE 155.5101.G.8.B: MINIMUM STACKING LANE DISTANCE FOR PARKING LOT ENTRANCE DRIVEWAYS

TABLE 155.5101.G.8.B: MINIMUM STACKING LANE DISTANCE FOR PARKING LOT ENTRANCE DRIVEWAYS	
Number of Off-Street Parking Spaces [1]	**Minimum Stacking Lane Distance (ft)** [2]
1 - 49	25

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50 - 249	50
250 - 499	100
500 or more	100 + 15 ft for every additional 50 spaces beyond 500

NOTES:
1. Entrances into parking structures may be credited towards the stacking lane distance requirement provided the parking structure entrance is accessed from a development driveway and not a primary drive aisle.
2. Stacking lane distance is measured from the intersection of the driveway with the street right-of-way, along the centerline of the stacking lane, to its intersection with the centerline of the first entrance into a parking area or other internal intersecting driveway.

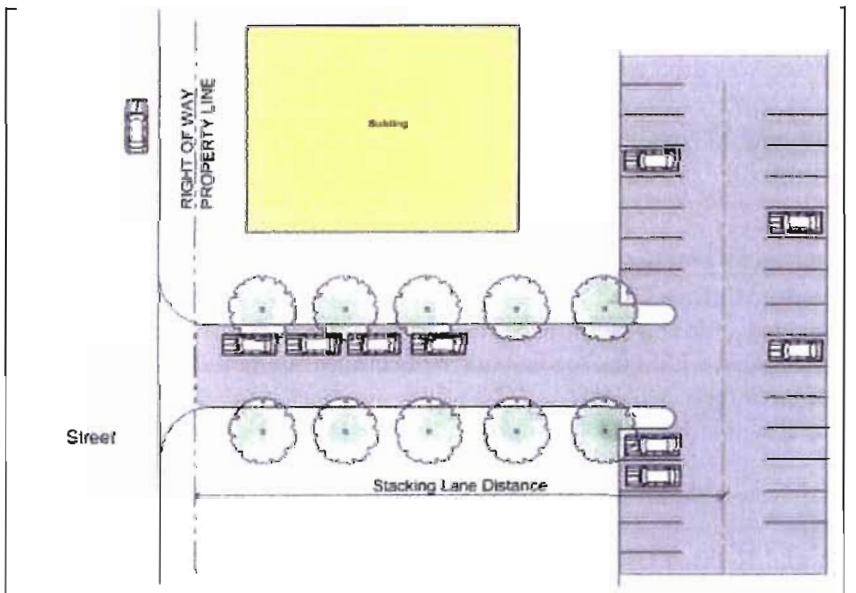

Figure 155.5101.G.8.b: Measurement of stacking lane distance for a parking lot entrance driveway.

Figure 155.5101.G.8.b: Measurement of stacking lane distance for a parking lot entrance driveway

9. Sight Triangles

a. Intersections Involving State Roads

Sight triangles shall be established at each corner of the intersection of a State road with any other street in accordance with the Florida Department of Transportation's intersection sight distance standards.

b. Other Intersections

At roadway intersections other than those involving a State road or a designated alley, and where a driveway intersects with a local street, collector street, minor arterial street, or principal arterial street, a sight triangle shall be established at each corner of the intersection. Each sight triangle shall be measured from the intersection of the extended curb or edge-of-pavement lines for the intersecting roadways (or intersection roadway and driveway), to a point located ten feet along the curb or edge-of-pavement line for one roadway/driveway, to a point along the curb or

edge-of-pavement line for the other roadway/driveway located ten feet from the original point—see Figure 155.5101.G.9.b, Sight triangles at intersections.

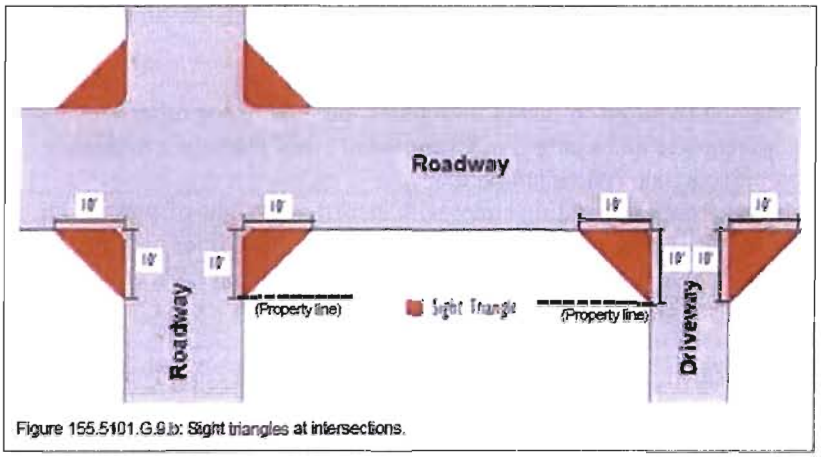

Figure 155.5101.G.9.b: Sight triangles at intersections

c. Limits on Obstructions to Cross-Visibility

Within a roadway or driveway intersection sight triangle, no fence, wall, sign, earthworks, hedge, shrub, or other structure or planting shall be located, maintained, or permitted to grow between the heights of three and six feet above the grade elevation of the adjacent roadway or driveway. Public safety and utility devices (such as streetlights, street signs, and telephone poles), as well as sign poles and trees less than eight inches in diameter, are exempt from this standard, provided their number and location is limited—and the limbs and foliage of any such trees are trimmed—so as to ensure provision of the required unobstructed cross-visibility. (See Figure 155.5101.G.9.c, Sight triangle clear visibility.)

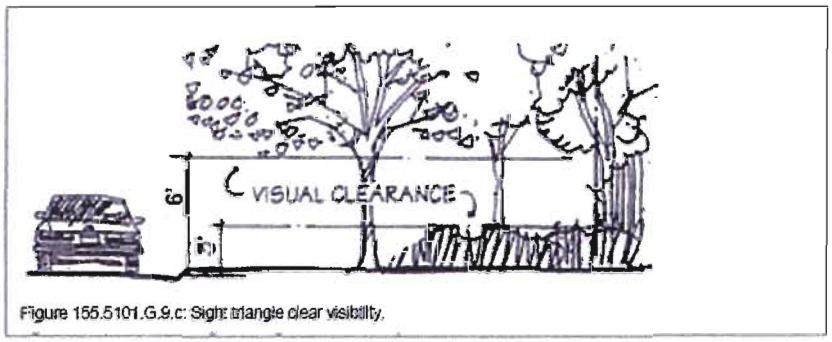

Figure 155.5101.G.9.c: Sight triangle clear visibility

H. Bicycle Access and Circulation

1. Required Bicycle Access

a. General Bicycle Access

All developments shall be served by an internal bicycle circulation system (including bike routes, bike lanes, and/or bike paths) that permits safe, convenient, efficient, and orderly movement of bicyclists among the following origin and destination points within the development, as well as between the internal bicycle circulation system and adjoining parts of an existing or planned external, community-wide bicycle circulation system and any adjoining public parks, greenways, schools, community centers, and shopping areas:

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i. Bicycle parking facilities (See Section 155.5102.L, Bicycle Parking Facilities.) or areas near the primary entrance(s) of principal buildings (or the buildable area of lots, for subdivisions);

ii. Any designated or planned bus stops and shelters (on-site or on an adjacent street); and

iii. Recreation facilities and other common use area and amenities.

b. Bikeway Improvements Required

i. All developments may be required to install bike lanes, bike paths, or other bicycle improvements within the development site and along the development site's frontage on existing streets where called for by a city bicycle plan (when adopted).

ii. Where a development site fronts an existing street with insufficient right-of-way width to accommodate installation of a required bike path along the frontage, the developer may install a bike path on the development site, within a public easement running parallel and adjacent to the public street.

2. Bicycle Connectivity

Multifamily residential, nonresidential, and mixed-use development shall comply with the following standards:

a. Any internal bicycle circulation system shall be designed to allow for bicycle cross-access between it and any internal bicycle circulation system on adjoining lots containing a multifamily residential, nonresidential, or mixed-use development, or to the boundary of adjoining vacant land zoned to allow multifamily residential, nonresidential, or mixed-use development.

b. The Development Services Director may waive or modify the requirement for bicycle cross-access on determining that such cross-access is impractical or undesirable due to the presence of topographic conditions, natural features, or safety factors.

c. Easements allowing cross-access to and from properties served by a bicycle cross-access, along with agreements defining maintenance responsibilities of property owners, shall be recorded with the Broward County Records Division before issuance of a Zoning Compliance Permit for the development.

3. General Bikeway Layout and Design

a. Bike Paths

Required bike paths shall:

i. Be at least seven feet wide and surfaced with a durable and dustless material; <u>The bike path may be combined with the required pedestrian path.</u>

ii. Be distinguishable from vehicular traffic lanes they cross by painted markings, a change in pavement material or color, raised paving height, decorative bollards, and/or flashing caution signals; and

iii. Have adequate lighting for security and safety.

b. Bike Lanes

Required bike lanes shall be designed and provided in accordance with the cross-section, paving, and other standards applicable to the roadways of which they are a part.

4. Waiver

The Development Services Director may waive all or part of the standards in this subsection if it is demonstrated that bicycle access and circulation is unneeded or undesirable in the proposed development or that compliance with the required bicycle improvements is infeasible.

I. Pedestrian Access and Circulation

1. Required Pedestrian Access

a. General Pedestrian Access

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Except individual lot development of a single-family dwelling or two-family dwelling, all developments shall be served by an internal pedestrian circulation system walkways (including sidewalks, pedestrian paths, and/or trails) that permits safe, convenient, efficient, and orderly movement of pedestrians among the following origin and destination points within the development, as well as between the internal pedestrian circulation system and adjoining parts of an existing or planned external, community-wide pedestrian circulation system and any adjoining public parks, greenways, schools, community centers, and shopping areas:

i. The primary entrance(s) of principal buildings (or the buildable area of lots, for subdivisions);

ii. Off-street parking bays;

iii. Any designated or planned bus stops and shelters (on-site or on an adjacent street); and

iv. Recreation facilities and other common use area and amenities.

b. Sidewalks Required

i. Except individual lot development of a single-family dwelling or two-family dwelling, all developments shall install sidewalks on both sides of all roadways within the development site and along the entire frontage of the development site with an existing street (unless an existing sidewalk meeting city standards is already in place).

ii. Where a development site fronts an existing street with insufficient right-of-way width to accommodate installation of a required sidewalk along the frontage, the developer may install a sidewalk on the development site, within a dedicated widening of the right-of-way or dedicated public easement running parallel and adjacent to the public street.

iii. Additional sidewalks or pedestrian walkways may be required where called for by a city pedestrian plan (when adopted).

2. Pedestrian Connectivity

Multifamily residential, nonresidential, and mixed-use development shall comply with the following standards:

a. The internal pedestrian circulation system shall be designed to allow for pedestrian walkway cross-access between the development's buildings and parking areas and those on adjoining lots containing a multifamily residential, nonresidential, or mixed-use development, or to the boundary of adjoining vacant land zoned to allow multifamily residential, nonresidential, or mixed-use development.

b. The Development Services Director may waive or modify the requirement for pedestrian cross-access on determining that such cross-access is impractical or undesirable due to the presence of topographic conditions, natural features, or safety factors.

c. Easements allowing cross-access to and from properties served by a pedestrian cross-access, along with agreements defining maintenance responsibilities of property owners, shall be recorded with the Broward County Records Division before issuance of a Zoning Compliance Permit for the development.

3. General Walkway Layout and Design

a. General Walkway Standards

Required pedestrian walkways shall:

i. Be at least five feet wide in residential and industrial zoning districts and seven feet wide in commercial zoning districts;

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ii. Be distinguishable from vehicular traffic lanes they cross by painted markings, a change in pavement material or color, raised paving height, decorative bollards, and/or flashing caution signals;

iii. Have adequate lighting for security and safety;

iv. Meet the accessibility guidelines promulgated under the Americans with Disabilities Act (ADA); and

v. Be constructed in accordance with sidewalk standards in Chapter 100 (Streets and Sidewalks) of the Code of Ordinances, where applicable, and any standards called for by the city's Bicycle and Pedestrian Master Plan.

b. Pedestrian Walkways through Large Parking Areas and Parking Garages

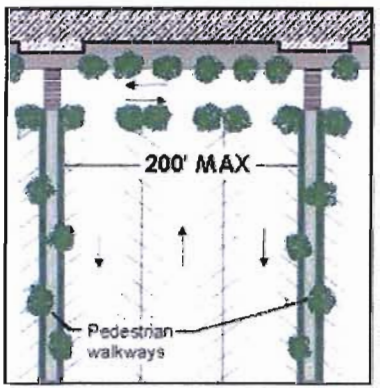

Figure 155.5101.I.3.b: Walkways through parking lots.

Figure 155.5101.I.3.b: Walkways through parking lots

i. All parking lots and parking structures containing more than 50 parking spaces shall provide a clearly identified pedestrian route between parking areas and the primary pedestrian entrance(s) to the building(s) served by the parking areas, or to a pedestrian walkway providing direct access to the primary building entrance(s).

ii. Parking lots containing more than 50 parking spaces shall, at a minimum, include a pedestrian walkway running between at least every three parking bays or at intervals not less than 200 feet apart, whichever is less. (See Figure 155.5101.I.3.b: Walkways through parking lots.)

iii. Walkways providing pedestrian access between parking areas and associated buildings may be extended to provide the connections to abutting street sidewalks or to adjoining development required by Section 155.5101.I.1.a, General Pedestrian Access, and Section 155.5101.I.2, Pedestrian Connectivity.

4. Waiver

The Development Services Director may waive all or part of the standards in this subsection if it is demonstrated that pedestrian access and circulation is unneeded or undesirable in the proposed development or that compliance with the required pedestrian improvements is infeasible.

155.5102. OFF-STREET PARKING AND LOADING

A. Purpose and intent

The purpose of this section is to ensure provision of off-street parking and loading facilities in proportion to the generalized parking and loading demand of the different uses allowed by this Code. The standards in this section are intended to provide for adequate off-street parking and loading while allowing the flexibility needed to accommodate alternative solutions. The standards

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are also intended to achieve city policies of supporting development and redevelopment of transit-oriented development and commercial corridors, accommodating appropriate infill development, and encouraging pedestrian-oriented development while avoiding excessive paved surface areas, promoting low impact development, and safeguarding historic resources.

B. Applicability

1. New Development

All new development shall provide off-street parking and loading areas in accordance with the standards of this section.

2. Existing Development – Not Applicable

3. Parking Plan Required

All applications for Major Site Plan Approval (Section 155.2407) proposing more than eight off-street parking spaces shall include a parking plan. The parking plan shall accurately designate the required parking spaces, access aisles, and driveways, and the relation of the off-street parking facilities to the development they are designed to serve, including how the parking facilities coordinate with the vehicular, bicycle, and pedestrian access and circulation systems for the development.

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

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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 – Not Applicable

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. Off-street parking areas shall be arranged so no parking or maneuvering incidental to parking shall occur on a public street or sidewalk.

iii. 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.

b. Backing onto Streets Prohibited

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 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. One-way and two-way accesses into required parking facilities shall be identified by directional arrows. Any two-way access located at any angle other than 90 degrees to a street shall be marked with a traffic separation stripe running the length of the access. This requirement does not apply to aisles.

5. Slope

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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.

6. Drainage

All off-street parking and loading areas shall be properly drained so as to eliminate standing water and prevent damage to abutting land and public streets and alleys.

7. Exterior Lighting

Lighted off-street parking and loading areas shall comply with the standards of Part 4 (Exterior Lighting) of this article.

8. Landscaping

Off-street parking and loading areas shall comply with the standards of Section 155.5203.D, Vehicular Use Area Landscaping.

9. Curbing

a. Each off-street parking space shall include a continuous curb.

b. The continuous curb shall be a maximum 5½ inches high.

c. The vehicular overhang area shall be no more than 2½ feet wide and shall not be credited toward any required sidewalk or landscape areas.

d. In place of continuous curbs, wheel stops may be provided when required for compliance with accessibility guidelines promulgated under the Americans with Disabilities Act (ADA). When permitted, the wheel stops shall be made of concrete, wood, metal, or material of comparable durability, and shall be at least six feet long and a maximum 5½ inches high.

10. Maintained In Good Repair

a. Maintained at All Times

All off-street parking and loading areas shall be maintained in safe condition and good repair at all times so as not to constitute a hazard to public safety or a visual or aesthetic nuisance to surrounding land.

b. Periodically Restored

All off-street parking and loading areas shall be periodically painted or otherwise restored to maintain a clear identification of separate parking spaces or loading berths.

11. Completion

All off-street parking and loading areas shall be completed prior to the issuance of a Certificate of Occupancy (Section 155.2419) for the development they serve. In the case of phased development, off-street parking and loading areas should only be provided for the phase being developed.

D. Off-Street Parking Space Requirements

1. 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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TABLE 155.5102.D.1: MINIMUM NUMBER OF OFF-STREET PARKING SPACES			
Use Category	Use Type		**Minimum Number of Parking Spaces** [1,2,3]
Residential Uses			
Household Living Uses	Dwelling, multifamily[9]	Efficiency DUs	1 per DU
		DUs with 1 or 2 bedrooms	1.5 per DU
		DUs with 3+ bedrooms	2 per DU
Household Living Uses	Dwelling, mixed-use		1 per DU
Commercial Uses			
Boat and Marine Sales and Service Uses	Marina		2 + 1 per 3 boat slips
Business Support Services Uses	Business service center		1 per 300 sq ft
	Conference or training center		See Section 155.5102.D.2

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	Travel agency	1 per 300 sq ft
Eating and Drinking Establishments [4]		1 per 4 persons of maximum occupancy capacity of customer service area(s)
	Hall for hire	
	Restaurant	
	Specialty eating or drinking establishment	
Office Uses	Contractor's offices	1 per 400 sq ft
	Professional Office	
Retail Sales and Service Uses - Personal Services [11]	Art, music, or dance studio	1 per 300 sq ft
	Bank or financial institution	1 per 300 sq ft
	Dry cleaning or laundry drop-off establishment	1 per 300 sq ft
Retail Sales and Service Uses - Retail Sales [11]	Antique store	1 per 300 sq ft
	Art gallery	1 per 300 sq ft
	Auction house	1 per 300 sq ft
	Book or media shop	
	Consignment shop	
	Grocery or Convenience store	1 per 300 sq ft
	Drug store or pharmacy	1 per 300 sq ft

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Visitor Accommodation Uses	Apartment hotel		1 per guest room
	Bed and breakfast inn		2 + 1 per guest bedroom
	Hotel or motel	100 guest rooms or less	1 per guest room
		101 to 150 guest rooms	0.85 per guest room
		More than 150 guest rooms	0.7 per guest room
Accessory Uses	Outdoor Seating (including sidewalk cafes)		1 per 1 per 8 persons of maximum occupancy capacity of outdoor seating area(s). Except no parking is required for outdoor seating within the AOD or DPOD Districts
	Eating and Drinking establishment (as an accessory use)		1 per 4 persons of maximum occupancy capacity of customer service area(s). Off-street parking may be reduced per accessory use standards, Section 155.4303.PP

NOTES: sq ft = square feet

1. When computation of the number of required parking spaces results in a fraction, the result shall be rounded upward to the next highest whole number.
2. Where the minimum off-street parking space requirement is based on the maximum occupancy capacity, all computations shall be based on the occupant load of the building or facility as establishing in accordance with the Building Code.

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3. Except as otherwise provided in this section, where the minimum off-street parking space requirement is based on square feet of floor area, all computations shall be based on gross floor area. 4. Where restaurants, theaters, places of worship, or similar uses occupy more than 33 percent of a shopping center's grow floor area, parking requirements for such uses shall be determined separately for each such use and added to the appropriate shopping center standard as applied to the remaining floor area. 5 – 9 Not Applicable

2. Uses with Variable Parking Demand Characteristics and Unlisted Uses

For some listed uses, Table 155.5102.D.1, Minimum Number of Off-Street Parking Spaces, refers to this subsection because the use has widely varying parking and loading demand characteristics, making it difficult to establish a single appropriate off-street parking or loading standard. On receiving an application proposing such a use, or proposing a use not expressly listed in Table 155.5102.D.1, the Development Services Director is authorized to:

a. Apply the minimum off-street parking space requirement specified in Table 155.5102.D.1 for the listed use that is deemed most similar to the proposed use; or

b. Establish the minimum off-street parking space requirement by reference to standard parking resources published by the National Parking Association or the American Planning Association; or

c. Establish the minimum off-street parking space requirement based on a parking demand study prepared by the applicant that estimates parking demand based on the recommendations of the Institute of Traffic Engineers (ITE) or other acceptable source of parking demand data, and that includes relevant data collected from uses or combinations of uses that are the same or comparable to the proposed use in terms of density, scale, bulk, area, type of activity, and location.

3. Multiple Use Developments

a. Except for shopping centers (See Table 155.5102.D.1, Minimum Number of Off-Street Parking Spaces.) and hotels or motels and apartment hotels (See b below.), developments containing more than one principal institutional or commercial use shall provide parking spaces in an amount equal to the total of the requirements applied to all individual principal uses.

b. Where more than 20 percent of the total gross floor area of a hotel or motel or an apartment hotel is occupied by non-sleeping or non-dwelling principal or accessory uses (e.g., office, retail, service, restaurant , bar, nightclub, ballrooms, banquet rooms, meeting rooms), off-street parking shall be provided for each such use in an amount equal to 50 percent of the parking requirement applicable to the use if it were an individual principal use—except that where a hotel contains 50 or more guest rooms and a restaurant and/or bar advertised by exterior signage, off-street parking shall be for such restaurant and/or bar in an amount equal to 75 percent of the parking requirement(s) applicable to a restaurant and/or bar as a principal use.

c. These provisions shall not limit the opportunity to reduce the minimum number of required off-street parking spaces through approval of an alternative parking plan that justifies the feasibility of shared parking (See Section 155.5102.J.3, Shared Parking.)

4. Modified Parking Requirements in Northwest Community Redevelopment Area – Not Applicable

5. Maximum Number of Off-Street Parking Spaces

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For any use listed under the commercial use classification in Table 155.5102.D.1, Minimum Number of Off-Street Parking Spaces, the number of off-street parking spaces shall not exceed 125 percent of the minimum number of parking spaces required, except as may be allowed through approval of an alternative parking plan in accordance with Section 155.5102.J.2, Provision over Maximum Allowed.

E. Electric Vehicle (EV) Charging Stations

Up to ten percent of the required number of off-street parking spaces may be used and designated as electric vehicle (EV) charging stations, subject to the standards in subsection [ ] below. The Development Services Director shall have authority to approve the use and designation of additional required parking spaces as electric vehicle charging stations, provided that such additional spaces shall count as only one-half of a parking space when computing the minimum number of parking spaces required. Parking spaces used as electric vehicle charging stations shall consist as one or more group(s) of contiguous spaces located where they can be readily identified by electric vehicle drivers (e.g., through directional signage), but where their use by non-electric vehicles is discouraged (e.g., not in locations most convenient to the entrances of the buildings served).

F. On-Street Parking

Except as authorized as part of an alternative parking plan in Section 155.5102.J, Off-Street Parking Alternatives, on-street parking on streets or driveways shall not be used to satisfy the off-street parking standards of this section. Refer to Chapter 100 (Streets and Sidewalks) of Code of Ordinances for parking within the public right-of-way.

G. Driveways Used to Satisfy Requirements – Not Applicable

H. Accessible Parking Spaces for Physically Disabled Persons

In each off-street parking area, a portion of the total number of off-street parking spaces shall be spaces specifically designated, located, and reserved for use by persons with physical disabilities ("accessible parking spaces"), in accordance with the standards of the Florida Accessibility Code for Building Construction, as amended.

I. Dimensional Standards for Parking Spaces and Aisles DEVIATION

1. General

Except as otherwise provided in subsection 2 below, standard vehicle parking spaces and parking lot aisles shall comply with the minimum dimensional standards established in Table 155.5102.I.1, Dimensional Standards for Parking Spaces and Aisles.

TABLE 155.5102.I.1 ABOVE: DIMENSIONAL STANDARDS FOR PARKING SPACES AND AISLES

TABLE 155.5102.I.1 ABOVE: DIMENSIONAL STANDARDS FOR PARKING SPACES AND AISLES [1]					
Parking Angle (Degrees)	Stall Width (ft)	Stall Depth Perpendicular to Curb (ft)	**Aisle Width (ft)** [2]	Stall Length Along Curb (ft)	Double Row + Aisle, Curb to Curb (ft)
A	B	C	D	E	F
Residential, Institutional, and Commercial Uses					
0	9	9	14	23	32

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45	9	19.1	14	12.7	52.2
60	9	20.1	16	10.4	56.2
90	9	18	23	9	59

NOTES:
1. Refer to Figure 155.5102.I.1, below, for illustrations showing how dimensions for parking spaces and aisles in various configurations (A-G) are measured.
2. For one-way traffic. Aisles for two-way traffic shall be at least 23 feet wide (for all parking angles). The Development Services Director may approve an aisle width less than the minimum on determining that the aisle is sufficiently wide to allow vehicle to conveniently maneuver through the parking area and access each parking space without driving through any other parking space.

2. Smaller Parking Spaces for Tandem Parking and Certain Uses and Districts

The dimensions of off-street parking stalls may be reduced to a width of 9 feet and a depth/length of 18 feet where the parking stalls are:

a. Used for tandem parking (See Section 155.5102.J.6, Valet and Tandem Parking.);
b. Not Applicable
c. Not Applicable

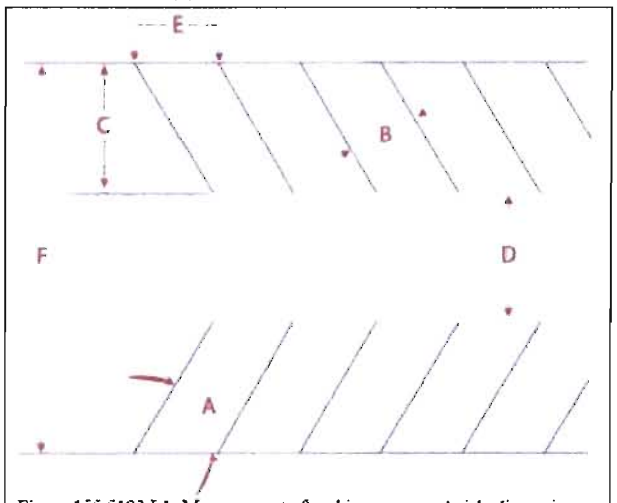

Figure 155.5102.I.1: Measurement of parking space and aisle dimensions.

Figure 155.5102.I.1: Measurement of parking space and aisle dimensions

3. Vertical Clearance

All off-street parking spaces must have a minimum overhead clearance of seven feet.

J. Off-Street Parking Alternatives

1. General; Alternative Parking Plan

The Development Services Director is authorized to approve an alternative parking plan that proposes alternatives to providing the minimum number of off-street parking spaces required by Table 155.5102.D.1,

Minimum Number of Off-Street Parking Spaces, in accordance with the standards listed below. The alternative parking plan shall be submitted with an application for Site Plan Approval (Section

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155.2407) or Zoning Compliance Permit (Section 155.2413), as appropriate. Additional fees may be assessed to cover the city's additional costs in reviewing alternative parking plans and any subsequent agreements.

2. Provision over Maximum Allowed

An alternative parking plan may propose to exceed the maximum number of off-street parking spaces allowed by Article 1: General Provisions, in accordance with the following standards:

a. Parking Demand Study

The alternative parking plan shall include a parking demand study demonstrating how the maximum number of parking spaces specified by Table 155.5102.D.1, Minimum Number of Off-Street Parking Spaces, is insufficient for the proposed development.

b. Minimum Amount Required

The maximum number of off-street spaces allowed by 155.5102.D.5, Maximum Number of Off-Street Parking Spaces, shall be limited to the minimum number of additional spaces recommended as needed by the required parking demand study.

3. Shared Parking

An alternative parking plan may propose to meet a portion of the minimum number of off-street parking spaces required for a use with shared parking—i.e., use of parking spaces used or proposed to be used to meet the minimum number of off-street parking spaces required for one or more other uses—in accordance with the following standards:

a. Maximum Shared Spaces

Up to 75 percent of the number of parking spaces required for a use may be used to satisfy the number of parking spaces required for other uses that generate parking demands during different times of the day or different days of the week.

b. Location

i. Shared parking spaces shall be located within 500 feet walking distance of the primary pedestrian entrances to the uses served by the parking.

ii. Shared parking spaces shall not be separated from the use they serve by an arterial or collector street unless pedestrian access across the arterial or collector street is provided by a grade-separated pedestrian walkway or appropriate traffic controls (e.g., signalized crosswalk).

c. Pedestrian Access

Adequate and safe pedestrian access via a grade-separated walkway shall be provided between the shared parking areas and the primary pedestrian entrances to the uses served by the parking.

d. Signage Directing Public to Parking Spaces

Signage complying with the standards of Chapter 156, Signs, shall be provided to direct the public to the shared parking spaces.

e. Justification

The alternative parking plan shall include justification of the feasibility of shared parking among the proposed uses. Such justification shall address, at a minimum, the size and type of the uses proposed to share off-street parking spaces, the composition of their tenants, the types and hours of their operations, the anticipated peak parking and traffic demands they generate, and the anticipated rate of turnover in parking space use.

f. Shared Parking Agreement

i. An approved shared parking arrangement shall be enforced through written agreement among all the owners or long-term lessees of lands containing the uses proposed to share off-street parking spaces. The agreement shall provide all parties the right to joint use of the shared parking area for at least 50 years, and shall ensure that as long as the off-site parking is needed to comply

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with this Code, land containing either the off-site parking area or the served use will not be transferred except in conjunction with the transfer of land containing the other. The agreement shall be submitted to the Development Services Director, who shall forward it to the City Attorney for review and approval before execution. An attested copy of an approved and executed agreement shall be recorded with the Broward County Records Division before issuance of a Zoning Compliance Permit or Zoning Use Certificate for any use to be served by the shared parking area.

The agreement shall be considered a restriction running with the land and shall bind the heirs, successors, and assigns of the landowner.

ii. Any termination of the agreement does not negate the parties' obligations to comply with parking requirements and thus shall constitute a violation of this Code. No use served by the shared parking may be continued if the shared parking becomes unavailable to the use unless substitute off-street parking spaces are provided in accordance with this section.

4. Off-Site Parking

An alternative parking plan may propose to meet a portion of the minimum number of off-street parking spaces required for a use with off-site parking—i.e., off-street parking spaces located on a lot separate from the lot containing the use—in accordance with the following standards.

a. Zoning Classification

The zoning district classification of the off-site parking area shall be one that allows the use served by off-site parking (and thus off-street parking accessory to such use) or that allows parking as a principal use.

b. Location

i. Off-site parking spaces shall be located within 500 feet walking distance of the primary pedestrian entrances to the uses served by the parking.

ii. Off-site parking spaces shall not be separated from the use they serve by a principal arterial street or minor arterial street unless safe pedestrian access across the street is provided by a grade-separated pedestrian walkway or appropriate traffic controls (e.g., signalized crosswalk).

c. Pedestrian Access

Adequate and safe pedestrian access must be provided between the off-site parking areas and the primary pedestrian entrances to the use served by the parking.

d. Off-Site Parking Agreement

i. If land containing the off-site parking area is not under the same ownership as land containing the principal use served, the off-site parking arrangement shall be established in a written agreement between the owners of land containing the off-site parking area and land containing the served use. The agreement shall provide the owner of the served use the right to use the off-site parking area for at least 50 years. The agreement shall be submitted to the Development Services Director, who shall forward it to the City Attorney for review and approval before execution. An attested copy of an approved and executed agreement shall be recorded with the Broward County Records Division before issuance of a Zoning Compliance Permit for any use to be served by the off-site parking area. The agreement shall be considered a restriction running with the land and shall bind the heirs, successors, and assigns of the landowner.

ii. Any termination of the agreement does not negate the landowner's obligation to comply with parking requirements and thus shall constitute a violation of this Code. No use served by the off-site parking may be continued if the off-site parking becomes unavailable unless substitute off-street parking spaces are provided in accordance with this section.

5. Deferred Parking

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An alternative parking plan may propose to defer construction of up to 20 percent of the number of off-street parking spaces required by Table 155.5102.D.1, Minimum Number of Off-Street Parking Spaces, in accordance with the following standards:

a. Justification

The alternative parking plan shall include a study demonstrating that because of the location, nature, or mix of uses, there is a reasonable probability the number of parking spaces actually needed to serve the development is less than the minimum required by Table 155.5102.D.1, Minimum Number of Off-Street Parking Spaces.

b. Reserve Parking Plan

The alternative parking plan shall include a reserve parking plan identifying: (a) the amount of off-street parking being deferred, and (b) the location of the area to be reserved for future parking, if future parking is needed.

c. Parking Demand Study

i. The alternative parking plan shall provide assurance that within 18 months after the initial Certificate of Occupancy is issued for the proposed development, an off-street parking demand study evaluating the adequacy of the existing parking spaces in meeting the off-street parking demand generated by the development will be submitted to the Development Services Director.

ii. If the Development Services Director determines that the study indicates the existing parking is adequate, then construction of the remaining number of parking spaces shall not be required. If the Development Services Director determines that the study indicates additional parking is needed, such parking shall be provided consistent with the reserve parking plan and the standards of this section.

d. Limitations on Reserve Areas

Areas reserved for future parking shall be brought to the finished grade and shall not be used for buildings, storage, loading, or other purposes. Such area may be used for temporary overflow parking, provided such use is sufficiently infrequent to ensure maintenance of its ground cover in a healthy condition.

e. Landscaping of Reserve Areas Required

Areas reserved for future off-street parking shall be landscaped with an appropriate ground cover, and if ultimately developed for off-street parking, shall be landscaped in accordance with Section 155.5203.C, Minimum Development Site Landscaping.

6. Valet and Tandem Parking

An alternative parking plan may propose to use valet and tandem parking to meet a portion of the minimum number of off-street parking spaces required for a development with commercial uses in accordance with the following standards:

a. Number of Valet or Tandem Spaces

i. The development served by the valet or tandem parking shall provide a total of 75 or more off-street parking spaces.

ii. No more than 30 percent of the total number of parking spaces provided shall be designated for valet or tandem spaces except for hotels, where up to 100 percent of parking spaces may be designated for valet parking.

b. Drop-Off and Pick-Up Areas

The development shall provide a designated drop-off and pick-up area. The drop-off and pick-up area may be located adjacent to the building served, but may not be located in a fire lane or

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where its use would impede vehicular and/or pedestrian circulation or cause queuing in a public street or internal drive aisle serving the development.

c. Valet Parking Agreement

Valet parking may be established and managed only in accordance with a valet agreement. The agreement shall include provisions ensuring that a valet parking attendant will be on duty during hours of operation of the uses served by the valet parking. The agreement shall be submitted to the Development Services Director, who shall forward it to the City Attorney for review and approval before execution. An attested copy of an approved and executed agreement shall be recorded with the Broward County Records Division before issuance of a Zoning Compliance Permit or Zoning Use Certificate for any use to be served by the valet parking. The agreement shall be considered a restriction running with the land and shall bind the heirs, successors, and assigns of the landowner.

7. Payment of Fee to Master Parking Program in Lieu of Providing Required Parking – Not Applicable

K. Reduced Parking Requirements for Parking Demand Reduction Strategies

The minimum number of parking spaces required in Section 155.5102.D.1, Minimum Number of Off-Street Parking Spaces, may be reduced through implementation of one or more of the following strategies for reducing parking demand.

1. Transit Accessibility

The Development Services Director may authorize up to a 15 percent reduction in the minimum number of off-street parking spaces required by Table 155.5102.D.1, Minimum Number of Off-Street Parking Spaces, for uses located within 1,000 feet of a bus or rapid transit stop.

2. Transportation Demand Management

The Development Services Director may, through approval of a Transportation Demand Management (TDM) plan, authorize up to a 15 percent reduction in the minimum number of off-street parking spaces required by Table 155.5102.D.1, Minimum Number of Off-Street Parking Spaces, for nonresidential or mixed-use developments having a floor area of at least 25,000 square feet, in accordance with the standards below.

a. TDM Plan Requirements

The TDM plan shall include facts and/or projections (e.g., type of development, proximity to transit and/or other multi-modal systems, anticipated number of employees and/or patrons, minimum parking requirements) and indicate the types of transportation demand management activities that will be instituted to reduce single-occupant vehicle use and reduce traffic congestion.

b. Transportation Demand Management Activities

The TDM plan shall provide at least three of the following transportation demand management activities:

i. Establishment of a development-specific website that provides multi-modal transportation information such as real-time travel/traffic information, bus schedules and maps, and logging of alternative commutes (e.g., bicycle, pedestrian, carpool, and vanpool).

ii. Written disclosure of transportation information and educational materials to all employees.

iii. Formation of transportation demand reduction programs such as carpooling, vanpooling, ridesharing, guaranteed ride home, teleworking, and shuttle service programs.

iv. Creation of a Preferential Parking Management Plan that specifically marks spaces for registered carpool and/or vanpool vehicles that are located near building entrances or in other preferential locations.

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v. Institution of off-peak work schedules that allow employees to arrive and depart at times other than the peak morning commute period (defined as 7:00 a.m. to 9:00 a.m.) and peak evening commute period (defined as 5:00 p.m. to 7:00 p.m.).

vi. Establishment of an office, staffed by a transportation coordinator, that makes transportation and ride-sharing information available to employees, residents, and nonresidents.

vii. Any other transportation demand management activity as may be approved by the Development Services Director as a means of complying with the parking reduction provisions of this subsection.

c. TDM Program Coordinator

i. The applicant shall appoint a TDM program coordinator to oversee transportation demand management activities.

ii. The TDM program coordinator shall be a licensed engineer or a traffic consultant that is also qualified or trained TDM professional.

iii. The TDM program coordinator shall be appointed prior to issuance of a Building Permit or Certificate of Occupancy for the buildings to be served by the transportation demand management program.

d. TDM Annual Report

i. The TDM program coordinator shall submit to the Development Services Director an annual report that details implementation of the approved TDM plan. The report may include, but is not limited to, the following:

(A) A description of transportation demand management activities undertaken;

(B) An analysis of parking demand reductions based on employee and/or resident use of ridership programs or alternative transportation options;

(C) Changes to the TDM plan to increase transit ridership and other commuting alternatives; and

(D) The results of an employee transportation survey.

ii. A copy of the approved TDM plan shall be recorded with the Broward County Records Division before issuance of a Zoning Compliance Permit for the development to be served by the plan. The TDM plan shall be recorded against the property, and the applicant and/or successors of interest in the property shall be responsible for implementing the plan in perpetuity.

e. Amendments

The Development Service Director may approve amendments to an approved TDM plan following the same process required for the initial approval.

f. Parking Required if TDM Terminated

If the applicant and/or successors in interest in the property covered by the TDM plan stop implementing the plan or fail to submit a TDM annual report to the Development Services Director in a timely fashion, the TDM plan shall be considered terminated. Any such termination of the TDM plan does not negate the parties' obligations to comply with parking requirements and thus shall constitute a violation of this Code. No use served by the TDM plan may be continued unless another TDM plan is approved or all required off-street parking spaces are provided in full in accordance with this section.

3. Special Facilities for Bicycle Commuters

The Development Services Director may authorize up to a five percent reduction in the minimum number of off-street parking spaces required by Table 155.5102.D.1, Minimum Number of Off-Street Parking Spaces, for developments that provides both of the following:

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a. Enclosed (indoor or locker) and secure bicycle parking spaces equal to at least five percent of the number of vehicle parking spaces provided; and

b. Shower and dressing areas for employees.

4. Other Eligible Alternatives

The Development Services Director may authorize up to a ten percent reduction in the minimum number of off-street parking spaces required by Table 155.5102.D.1, Minimum Number of Off-Street Parking Spaces, in exchange for any other strategy that an applicant demonstrates will effectively reduce parking demand on the site of the subject development, provided the applicant also demonstrates that the proposed development plan will do at least as good a job in protecting surrounding neighborhoods, maintaining traffic-circulation patterns, and promoting quality urban design as would strict compliance with the otherwise applicable off-street parking standards.

L. Bicycle Parking Facilities

1. Bicycle Racks or Lockers Required

All parking areas containing more than ten parking spaces shall provide bicycle racks or lockers sufficient to accommodate the parking of at least four bicycles for each ten parking spaces, or major fraction thereof, above ten spaces—provided that no more than 20 bicycle parking spaces shall be required in any one parking area.

2. Bike Rack/Locker Location

Required bike racks/lockers shall be installed on a paved surface and located in visible, well-lit areas conveniently accessible to the primary entrances of a development principal building(s). They shall be located where they do not interfere with pedestrian traffic and are protected from conflicts with vehicular traffic.

M. Loading Area Standards

1. Minimum Number of Off-Street Loading Berths

Any new development involving the routine vehicular delivery or shipping of goods, supplies, or equipment to or from the development shall provide a sufficient number of off-street loading berths to accommodate the delivery and shipping operations of the development's uses in a safe and convenient manner. Table 155.5102.M.1, Minimum Number of Off-Street Loading Berths, sets forth the minimum number of loading berths that presumptively satisfies the loading area needs of the listed principal uses. For proposed uses not listed in Table 155.5102.M.1, the requirement for a use most similar to the proposed use shall apply. The Development Services Director may require more loading berths or fewer loading berths on determining that the characteristics of the particular development warrant such addition or reduction and the general standard is met.

TABLE 155.5102.M.1: MINIMUM NUMBER OF OFF-STREET LOADING BERTHS

TABLE 155.5102.M.1: MINIMUM NUMBER OF OFF-STREET LOADING BERTHS		
Principal Use Classification/Category [1]	Gross Floor Area (GFA)	Minimum Number of Loading Berths
Institutional and Commercial Uses		
Institutional and commercial uses other than office buildings	At least 20,000 sq ft but less than 50,000 sq ft	1

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	At least 50,000 sq ft but less than 75,000 sq ft	2
	At least 75,000 sq ft but less than 120,000 sq ft	3
	At least 120,000 sq ft but less than 200,000 sq ft	4
	At least 200,000 sq ft	4 + 1 per 90,000 sq ft GFA above 200,000 sq ft GFA or major fraction thereof
NOTES: 1. See Part 2 (Principal Uses) of Article 4: Use Standards.		

2. Dimensional Standards for Loading Areas

a. Each loading berth shall be of sufficient size to accommodate the types of vehicles likely to use the loading area. The minimum loading berth size that presumptively satisfies loading berth needs is at least 12 feet wide and 55 feet long. The Development Services Director may require a larger loading berth or allow a smaller loading berth on determining that the characteristics of the particular development warrant such increase or reduction and the general standard is met.

b. Each loading berth shall have at least 14 feet of overhead clearance.

3. Location of Loading Areas

a. Where possible, loading areas shall be located to the rear of the use they serve.

b. The loading area shall be located adjacent to the building's loading doors, in an area that promotes its practical use.

c. The loading area shall be located and designed so vehicles using them can maneuver safely and conveniently to it from a public street and complete loading without obstructing or interfering with any public right-of-way or any parking space or parking lot aisle.

PART 2 LANDSCAPING AND TREE PRESERVATION

155.5201. PURPOSE

It is the purpose of this Part to establish minimum standards for the development, installation, and maintenance of landscaping and tree preservation that protects and enhances property values, the environment, and aesthetic qualities in the city, and otherwise promotes the public health, safety and general welfare. The standards are specifically intended to ensure and promote the planting, maintenance, restoration, and survival of trees, shrubs, groundcover, and other landscaping that will:

A. Mitigate against erosion and sedimentation by stabilizing the soils through root systems that hold and consolidate soil and other loose earthen materials;

B. Reduce stormwater runoff and associated costs by intercepting, dispersing, and absorbing rainfall and slowing down surface flow;

C. Reduce water pollution by filtering pollutants from stormwater runoff;

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D. Conserve water supplies by allowing more rainfall to stay in the water table and minimizing water use for landscaping maintenance;

E. Moderate urban heat island effects by shading buildings and paved surfaces and lowering ambient temperatures through transpiration;

F. Improve air quality by removing carbon dioxide and pollutant gases from the air and producing oxygen that helps dilute air pollutant concentrations;

G. Restore soils and land denuded as a result of construction or grading;

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

I. Buffer excessive or undesirable noise from street traffic or adjacent land uses and activities by absorbing and deflecting sounds;

J. Limit glare created by exterior lighting;

K. Screen undesirable views;

L. Provide a sense of privacy from neighbors and the street;

M. Provide human scale to urban environments by breaking up the visual impact of structures and parking lots;

N. Help differentiate streets and other areas of the public realm from private lands;

O. Create civic identity and special places that differentiate the city from other urban environments;

P. Stimulate economic development by increasing the city's attractiveness and quality of life to shoppers and employers;

Q. Safeguard and enhance property values and protect public and private investments;

R. Protect city residents and visitors from personal injury and property damage, and avoid interruption of electrical and other utility services; and

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

155.5202. BEST MANAGEMENT PRACTICES; ADMINISTRATIVE MANUAL

References in this Part 2 (Landscaping and Tree Preservation) to landscaping BMPs (best management practices) shall be deemed references to those principles, methods, processes, practices, techniques, specifications, and measures that are generally accepted among landscaping and tree preservation professionals as being the most effective in achieving the purposes and intents of the requirements and standards in this Code. Such BMPs are included in the Administrative Manual or in documents and materials specifically cited in the Administrative Manual. Where so referenced, landscaping BMPs are intended to provide more detailed or specific guidance that supplements the requirements and standards in this Part. If a landscaping BMP included or referenced in the Administrative Manual conflicts with a standard in this Part, the standard in this Part shall govern.

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 – Not Applicable

3. Demolition Sites

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a. If all or any existing structures on a lot are being 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 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 activity.

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.

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.

B. General Requirements for Landscaping

1. Plant Material

a. General

i. 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).

ii. All plant materials shall, to the greatest extent possible:

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

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

(C) 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;

(D) Be commercially available;

(E) Not have invasive growth habits, as identified in *List of Invasive Plant Species* (Florida Exotic Pest Plant Council); and

(F) Comply with crime prevention through environmental design (CPTED) principles.

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b. Native Vegetation and Diversity

i. 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.

ii. 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.

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

2. Installation

a. General

i. 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.

ii. Special Landscaping regulations for all properties abutting the east right-of-way line of Harbour Drive (NE 26th Avenue) – Not Applicable

b. Planting Soil

i. Planting soil shall be clean and reasonably free of construction debris, weeds, rocks, noxious pests, and diseases.

ii. Planting soil for all planting areas shall be amended with horticulturally acceptable organic material.

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.

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.

e. Vines

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

f. Shrubs and Hedges

At the time of planting, shrubs shall be upright in nature, be at least <u>three</u> 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.

g. Trees

i. General

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

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(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.

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

(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.

(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.

(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.

ii. Height

(A) Canopy Trees

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

~~(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 16 feet high if the principal structure on the lot is more than 25 feet high.~~

(B) Ornamental Trees

At the time of planting, ornamental trees shall be at least twelve feet in height above ground level.

(C) Understory Trees

At the time of planting, understory trees shall be at least fifteen feet in height above ground level.

(D) Palm Trees

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

~~(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.~~

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

h. Berms

All berms shall comply with the following standards:

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.

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.

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.

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.

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

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.

k. Dry Retention Areas

All dry retention areas shall be landscaped with turf grass or groundcover in accordance with subsections d and e above.

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.

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.

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.

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.

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.

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.

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.

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

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

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

6. Maintenance of Landscaping

a. All required landscaping and landscape areas shall be maintained in accordance with landscaping BMPs and the following standards.

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

ii. All plant life shown on an approved landscape plan shall be replaced if it dies, is seriously damaged, or removed.

iii. All required landscaping shall be kept reasonably free of visible signs of insects infestation or disease.

iv. Required landscaping shall present a healthy and orderly appearance free from refuse and debris.

v. Required landscaping shall be weeded, as well as mown, trimmed, or pruned in a manner and at a frequency appropriate to the use made of the plant material and species and so as not to detract from the appearance of the general area.

vi. All required trees shall be maintained in their characteristic natural shape and shall not be severely pruned, sheared, topped, or shaped as shrubs. Trees that have been severely pruned, sheared, topped, or shaped as shrubs no longer serve the intended buffering or screening function and shall be considered tree abuse, subject to Section 155.5204.G, Tree Abuse.

vii. Actions shall be taken to protect trees and landscaping from unnecessary damage during all facility and site maintenance operations.

viii. Plants shall be maintained in a way that does not obstruct sight visibility above a height of three feet within the triangular land area formed by the intersection of a rear lot line abutting a canal or waterway with an interior side lot line not abutting a canal or waterway—with two sides of the triangle running along the rear and interior lot lines and being equal in length to the rear yard depth, and the third side being a line connecting the ends of the other two sides.

ix. All landscaping shall be maintained to minimize property damage and public safety hazards, including the removal of dead or decaying plant material, and removal of low hanging branches next to bikeways and walkways.

x. All prohibited plant species shall be eradicated from the site and re-establishment of prohibited species shall not be permitted.

b. Any vegetation or physical element installed or functioning to meet the minimum landscaping requirements of this section shall be subject to inspection by the Development Services Director within one year after installation to ensure compliance with the standards of this section. If any such required vegetation dies or is severely damaged, it shall be promptly replaced with vegetation or elements meeting the requirements of this section. In determining the extent of replacement required, the Development Services Director shall consider the type and location of the required landscape area as well as the propensity for natural re-vegetation.

c. Removal or relocation of any tree shall be subject to the Tree Permit procedure in Section 155.2411, Tree Permit, and tree preservation standards in Section 155.5204, Tree Preservation.

d. All initial, relocated, and replacement plantings shall be subject to a maintenance guarantee that ensures their proper maintenance for at least one year, in accordance with Section 155.5902.B, Maintenance Guarantees.

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.

TABLE 155.5203.C: MINIMUM DEVELOPMENT SITE LANDSCAPING

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PD-I
3 trees and 10 shrubs per 3,000 sq ft of lot area or major fraction thereof

D. Vehicular Use Area Landscaping

1. Applicability

a. 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.

b. Exemptions

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

c. 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.

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.

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.

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.

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.

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;

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(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

(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

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

(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

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

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;

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

iii. Five feet in all other developments on lots no 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.)

4. Interior Landscaping Standards

a. Applicability

i. 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.

ii. Exceptions

(A) Where a vehicular use area is used for the storage of motor vehicles, boats, trailers, recreational vehicles, or heavy equipment, landscaped planting areas shall be provided and maintained within at least 15 percent of the interior of the vehicle storage area, and such planting areas shall be distributed within the vehicle storage area so as to avoid the appearance of an unbroken expanse of paved area.

(B) These standards shall not apply to parking decks or garages or to vehicle display areas.

(C) For all other uses, other suitable solutions or innovative designs to reduce heat-glare may be substituted when approved by the Development Services Director, provided landscaped planting areas shall be provided and maintained within at least 15 percent of the interior of the vehicular use area, and such planting areas shall be distributed within the vehicular use area so as to avoid the appearance of an unbroken expanse of paved area.

b. 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.

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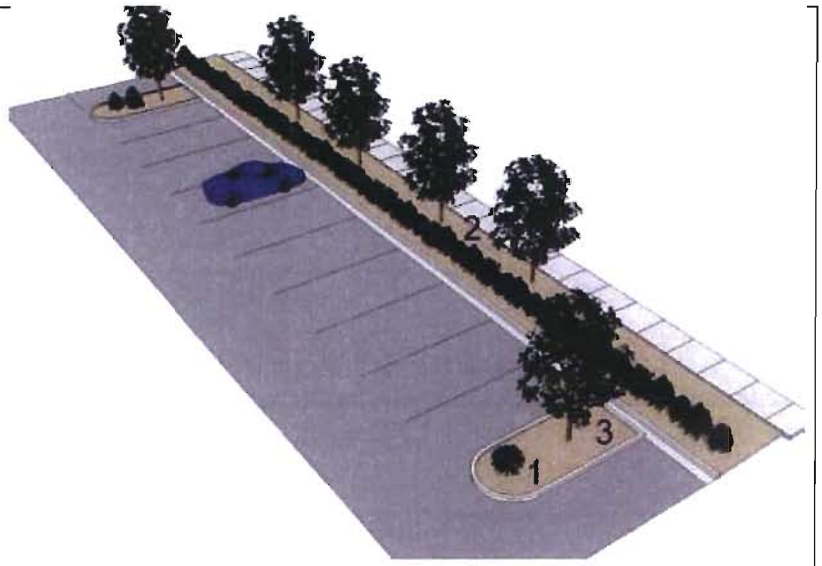
ii. Each landscaped island shall be at least eight feet wide and at least as long as the adjacent parking spaces, with the long axis of the landscaped island running approximately parallel to that of the adjacent parking spaces.

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.

c. 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.



1 One 8' wide landscaped island per 10 parking spaces along parking row
2 8' wide landscaped area between parking bays
3 One canopy tree per landscaped island

Figure 155.5203.D.4: Landscaping of vehicular use area interior.

Figure 155.5203.D.4: Landscaping of vehicular use area interior

d. Landscaped Driveway Medians – Not Applicable

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 <u>any</u> 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 eight feet for each story in the abutting building facade, up to 24 feet.

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

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.

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2. Building Base Planting Required

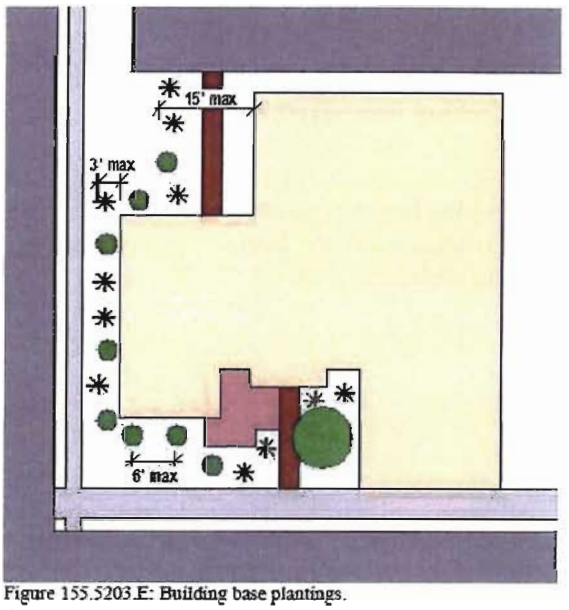

Figure 155.5203.E: Building base plantings.

Figure 155.5203.E: Building base plantings

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 any parts of a building facade containing building entrances, driveways into garages or carports, or loading docks.

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.

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

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.

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.

c. Except as noted in subsection d below, when required by a Use-Specific standard in Article 4, development required to obtain a Minor Site Plan approval shall provide to the maximum

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extent practicable the specified perimeter buffer type along all property lines, regardless of the zoning district of the abutting property.

d. Any new establishment of Outdoor Storage, including principal and accessory Outdoor Storage, and any additions to existing Outdoor Storage areas shall provide the specified perimeter buffer type along all property lines, regardless of the zoning district of the abutting property.

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

3. Required Buffer Types and Standards

Table 155.5203.F.3, Required Buffer Types and Standards, 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.

TABLE 155.5203.F.3: REQUIRED BUFFER TYPES AND STANDARDS

TABLE 155.5203.F.3: REQUIRED BUFFER TYPES AND STANDARDS		
Where Required [1]	**Required Buffer Type by Function and Optional Screening Standards** [2,3,4,5,6,7]	
	Type B Buffer	
	This perimeter buffer functions as a semi-opaque screen from the ground to a height of at least six feet.	
	Option 1	Option 2
Between a proposed institutional, commercial, or mixed-use development and land within a residential zoning district , or as required per a use-specific standard in Article 4.	At least 10 feet wide + A wall or semi-opaque fence at least 6 feet high + 1 tree per 30 linear feet + a continuous hedge at least 4 feet high on the exterior side of the wall or fence + 1 shrub per 10 linear feet on the interior side of the wall or fence	At least 20 feet wide + 1 canopy tree per 30 linear feet + 1 understory tree per 20 linear feet + 1 shrub per 5 linear feet

NOTES:

1. Developments with multiple buildings shall provide perimeter buffers around the perimeter of the development site instead around individual buildings.
2. Deviations from perimeter buffer width and screening requirements may be authorized in accordance with Section 155.2421, Administrative Adjustment.
3. Where an adjacent use is designed for solar access, understory trees may be substituted for canopy trees as necessary to minimize interference with solar access.

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4. Fences or walls within a perimeter buffer shall comply with the standards of Section 155.5302, Fences and Walls.
5. A wall shall be designed to not interfere with the rooting of required trees.
6. Walls and fences shall include a gate to allow the access necessary to maintain the required screening.
7. Planting ratios shall be deemed per the prescribed number of linear feet or major fraction thereof.

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.

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.

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.

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.

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.

2. Street Trees Required of New Development

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

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.

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.

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

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

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

EXHIBIT F

155.5204. TREE PRESERVATION

A. Intent to Maintain Municipal Certification by Broward County

The standards in this section, when combined with the Tree Permit provisions in Section 155.2411 and enforcement provisions in Article 8: Enforcement, are intended to qualify for certification by Broward County as containing requirements and standards that are as stringent as those in Article XIV (Tree Preservation and Abuse Ordinance) of the Broward County Code of Ordinances , and thus allow delegation to the city of the county's authority to regulate tree preservation and tree abuse within Pompano Beach. The provisions in this section shall be interpreted in accordance with that purpose.

B. Applicability

1. General

a. Except where expressly provided otherwise in this Code, the requirements and standards in this section shall apply throughout the city.

b. Issuance of a Tree Permit in accordance with Section 155.2411, Tree Permit, is required before any removal, relocation, replacement, or substantial alteration of any tree, any land clearing in an area designated as a Natural Forest Community, or any land disturbing, construction, or demolition activity, storage of materials, or operation of heavy equipment in the vicinity of a tree, unless exempted from the requirements and standards in this Part in accordance with subsection 2 below.

2. Exceptions

a. The requirements and standards in this Part shall not apply to the following, which shall remain subject to the Broward County Tree Preservation and Abuse Ordinance:

i. Properties owned or controlled by Broward County, including but not limited to county facilities, road rights-of-way, and parks.

ii. Properties owned or controlled by the Broward County School Board.

iii. Any site designated by the Broward County Board of County Commissioners as a Local Area of Particular Concern, Urban Wilderness Inventory Area, Natural Resource Area, or Environmentally Sensitive Land.

iv. Any tree designated a historical tree by the Broward County Board of County Commissioners.

b. In accordance with the Broward County Tree Preservation and Abuse Ordinance, the requirements and standards of Section 155.5204.C, Tree Removal, including the requirement to obtain a Tree Permit, shall not apply to owner-occupied residential properties of one (1) acre or less developed for single-family and duplex usage, except the following:

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

ii. Historical trees or Specimen trees.

c. During emergency conditions caused by a hurricane or other natural disaster, the Development Services Director may suspend application of the provisions of this section—provided, however, that Tree Permits authorizing tree removals occurring during the emergency conditions and the replacement of the trees shall be obtained within two years after the end of the emergency condition.

3. Doubling of Application Fee if Tree is Removed Before a Tree Permit is Obtained

If a tree is removed before a Tree Permit is obtained, the application fee for a Tree Permit authorizing the tree removal shall be doubled.

C. Tree Removal

EXHIBIT F

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.

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.

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.

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.

D. Tree Relocation

1. Tree Relocation Required

a. Any tree proposed and authorized for tree removal in accordance with Section 155.5204.C, Tree Removal, shall be relocated unless the tree is an invasive tree or it is demonstrated that relocation is not a viable alternative for the particular tree—in which case, the removed tree shall be replaced in accordance with Section 155.5204.E, Tree Replacement.

b. A tree may be relocated to another property upon demonstration that the property on which the trees is located lacks available space for its relocation. If relocated to another property, written authorization from the owner of the other property is required.

2. Tree Relocation Standards

Tree relocation shall occur in accordance with landscaping BMPs, the standards in Section 155.5203.B, General Requirements for Landscaping, and the following standards:

a. Relocated trees shall be transplanted to a location within the city.

b. Tree relocation activities shall not unnecessarily damage any other tree to remain on the property.

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c. Any tree being relocated shall not be unnecessarily damaged during its removal, transport, or replanting.

d. Before transplanting, a relocated tree shall be root pruned and may be canopy pruned in accordance with sound arboricultural standards.

e. To the maximum extent consistent with other tree relocation standards, relocated trees shall be transplanted to locations where they are unlikely to create an obstruction to solar access to an existing or approved solar energy collection system.

3. Tree Relocation Maintenance and Monitoring Requirements

Any person conducting tree relocation activities shall:

a. Maintain the health of a relocated tree for a period of one year from the date of planting;

b. Replace, within 60 days, a relocated tree that dies or is determined by the Development Services Director, to be effectively destroyed within one year of being relocated. The one year maintenance period shall begin again whenever a tree is replaced. The replacement trees are to be determined from the dollar value given for each at time of permitting.

4. Tree Relocation Bond Requirement

a. Any person conducting tree relocation activities must post a bond to insure the survival of trees designated for relocation. This bond shall be in addition to any other bond that may be required by any other entities. Determination of the bond amount shall be based from the dollar value given for each at time of permitting.

b. Release of bonds will occur upon completion of construction activities and successful tree relocation, as set forth in this section, and with written approval by the Development Services Director.

c. If a tree is determined to be effectively destroyed within one year from the date of relocation, and no efforts have been made for preservation or replacements, the bond shall be drawn upon and finds will be deposited into the tree Canopy Trust Fund.

E. Tree Replacement

1. Tree Replacement Required

a. General

If the Development Services Director determines that a removed tree is an invasive tree or cannot be successfully relocated, the tree shall be replaced in accordance with the following standards.

b. Required Number of Replacement Trees

i. The minimum number of replacement trees required to compensate for removed trees that cannot be successfully relocated shall be the number of trees whose combined purchase price, as determined by the Development Services Director, equal the dollar value of the removed trees, as determined by an appraisal prepared by an ISA Certified Arborist in accordance with *Guide for Plant Appraisal* (Council of Tree and Landscape Appraisers), as amended, and submitted as part of the application for a Tree Permit.

ii. If trees are removed before obtaining authorization for removal through a Tree Permit Application, and the value of the removed trees(s) cannot be determined from any remnants, such value shall using aerial photography; on-site inspection; and/or review of a tree survey. The number of required replacement trees shall be based upon the size of canopy impacted and the type of replacement trees selected by the applicant and approved by Development Services Director. The canopy of the replacement trees at maturity shall at least equal the canopy removed. The following table shall be used to determine the number of required replacement trees:

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TABLE 155.5204.E.1.b.ii. DETERMINING REQUIRED NUMBER OF REPLACEMENT TREES (FOR TREES REMOVED BEFORE OBTAINING AUTHORIZATION THROUGH TREE PERMIT APPLICATION)

TABLE 155.5204.E.1.b.ii. DETERMINING REQUIRED NUMBER OF REPLACEMENT TREES (FOR TREES REMOVED BEFORE OBTAINING AUTHORIZATION THROUGH TREE PERMIT APPLICATION)	
Replacement Tree Type	Replacement Canopy Area Credit (In Square Feet)
Type 1 Tree	300
Type 2 Tree	100
Type 3 Tree	50
NOTES: Type 1: Minimum of twelve (12) feet in height , Florida Grade #1 canopy tree at time of planting Type 2: Minimum of ten (10) feet in height , Florida Grade #1 under story tree at time of planting; Type 3: Minimum of fourteen (14) feet in overall height , Florida Grade #1 palm tree at time of planting	

c. Timing of Planting Replacement Trees

i. Except as otherwise provided by subsection ii below or Section 155.5204.E.1.d, Payment In Lieu of Tree Replacement, the required number of replacement trees shall be planted within 60 days after issuance of the Tree Permit unless the trees are being removed and replaced in association with an authorized development, in which case required replacement trees shall be planted before issuance of a Certificate of Occupancy for the development, or for the approved development phase containing the replacement trees.

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

iii. Any extension of the time limit shall be conditioned on the required replacement trees being installed as soon as practicable after the delay-warranting circumstances cease to exist and the provision of a maintenance guarantee in accordance with Section 155.5204.H.2, Maintenance Guarantee.

d. Payment In Lieu of Tree Replacement

On determining that replacement of removed trees is not feasible due to the lack of available planting space, the Development Service Director may allow the applicant for a Tree Permit to meet all or part of the replacement tree requirement by paying into the Tree Canopy Trust Fund an amount of money equal to the appraised dollar value of the removed trees for which the payment is being made in lieu of actual tree replacement, as determined in accordance with Section 155.5204.E.1.b, Required Number of Replacement Trees.

2. Tree Replacement Standards

a. Tree replacement shall comply with landscaping BMPs, the standards in Section 155.5203.B, General Requirements for Landscaping.

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b. Replacement trees shall be planted at a location within the city.

c. To the maximum extent consistent with other tree replacement standards, relocated trees shall be planted at locations where they are unlikely to create an obstruction to solar access to an existing or approved solar energy collection system.

F. Tree Protection During Development or Demolition Activity

1. Responsibility

During any development or demolition activity, the property owner or developer shall be responsible for protecting existing trees to be preserved (as identified by a Tree Permit required for the land disturbing activities associated with the development or demolition activity) and installed trees.

2. Protective Fencing, Marking, and Signage

a. Protective Fencing

i. Within or near land areas proposed to be disturbed as part of development or demolition activities, trees to be preserved shall be fenced with a sturdy and visible fence that is erected no closer than one linear foot outside of the tree's drip line. The Development Services Director shall consider existing site conditions in determining the exact location of tree protection fencing.

ii. All required protective fencing in areas proposed for land disturbance shall be at least four feet high and of durable construction (i.e., chain link or wooden post with 2x4 wire mesh). Posts shall be located no more than ten feet on-center. Chain link or wire fencing utilized as tree protection fencing shall not be required to be vinyl coated.

(See Figure 155.5204.F.2: Tree protection fencing and signage.)

b. Protective Marking

In areas that are remote from areas proposed for land disturbance, trees to be preserved may be fenced in accordance with subsection a above, or the same tree protection area may be marked with highly visible (bright orange), continuous, and durable construction fencing.

c. Duration of Protective Fencing, Marking, or Signage

Required protective fencing, marking, and signage shall be erected before any grading or other development or demolition activity begins and shall be maintained throughout the period of development or demolition activity, until after final landscaping inspection.

Figure 155.5204.F.2: Tree protection fencing and signage.

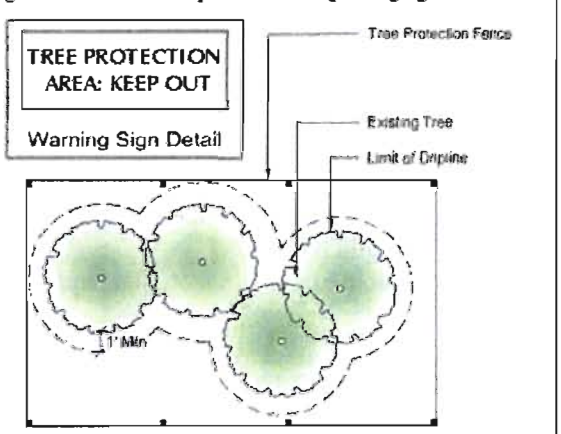

Figure 155.5204.F.2: Tree protection fencing and signage

d. Warning Signage

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Warning signs shall be installed along any required tree protection fencing at points no more than 150 feet apart. The signs shall be clearly visible from all sides of the outside of the fenced-in area. The size of each sign must be a minimum of two feet by two feet and shall contain the following language: "TREE PROTECTION AREA: KEEP OUT."

3. Tree Protection Area Limitations and Requirements

Areas located within required tree protection fencing or marking are considered as tree protection areas. Encroachments into tree protection areas may occur only when no other alternative exists, and shall comply with landscaping BMPs and the following limitations and requirements:

a. Construction Activity, Equipment, or Materials Storage

No development or demolition activity—including grading, the operation or parking of heavy equipment, or the storage of material—shall be allowed within the tree protection area.

b. Clearing of Vegetation

Any clearing of vegetation within the tree protection area shall be only by hand.

c. Use of Retaining Walls and Drywells

Retaining walls and drywells may be used to protect trees to be preserved from severe grade changes if venting adequate to allow air and water to reach tree roots is provided through any fill.

d. Underground Utility Lines

Underground utility lines shall be routed around the tree protection area where possible. If this is not possible, a tunnel made by a power-driven soil auger may be used under the tree.

e. Impervious Surface

No impervious surface (including, but not limited to, paving or buildings) may be located within a tree protection area.

4. Fences and Walls

Installation of fences and walls shall take into consideration the root systems of existing trees. Post-holes and trenches close to trees shall be dug by hand and adjusted as necessary to avoid damage to major roots. Continuous footers for masonry walls shall end at the point where major large roots are encountered and these roots bridged.

5. Repair of Damaged Trees

If any tree to be preserved is damaged during development or demolition activities, the tree shall be promptly repaired by:

a. Corrective pruning for damage to tree canopy by an ISA Certified Arborist; or

b. Measures such as corrective root pruning, fertilization, soil enhancements for damage to tree roots, and application of irrigation to compensate for root loss.

G. Tree Abuse

1. Tree Abuse Prohibited

a. General

i. No person shall cause, suffer, permit, or allow tree abuse, as defined in Part 5 (Terms and Uses Defined) of Article 9: Definitions and Interpretation, within the city.

ii. No owner of land in the city shall cause or allow the abuse of any tree on that land, or possess an abused tree on that land.

b. Exemptions

The following activities are exempt from the prohibition of tree abuse in subsection a above:

i. Topiary pruning when the pruned trees are located on owner-occupied property developed for a single-family dwelling or two-family dwelling and are identified as topiary trees on an approved landscape plan; or

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ii. Tree abuse necessary to alleviate a dangerous condition posing an immediate threat to the public or property, provided the threat cannot be remedied by pruning that does not constitute tree abuse.

iii. Shaping of trees to protect property, such as buildings or infrastructure, where it is demonstrated that shaping of the trees has occurred historically.

2. Corrective Measures for Tree Abuse

a. Any person that abuses a tree or any landowner that possesses an abused tree shall:

i. Undertake pruning and other corrective action determined by the Development Services Director, including—but not limited to—the permitted removal of severely abused trees to protect public safety and property, and corrective pruning by an ISA Certified Arborist to improve the health and form of abused trees;

ii. Plant replacement trees in accordance with Section 155.5204.E, Tree Replacement, if the abused tree's natural habit of growth is destroyed; and

iii. Make a payment into the city's Tree Canopy Trust Fund or other appropriate fund in accordance with Section [ ].

b. Any corrective action(s) undertaken in accordance with this subsection shall be considered partial corrective action(s) required to cure a violation and are in addition to any penalties that may be imposed by the city in accordance with Article 8: Enforcement.

c. A Tree Permit shall be required for any corrective measure undertaken in accordance with this subsection.

H. Maintenance

1. Maintenance and Monitoring

a. The health of a replacement tree or a tree subject to corrective pruning or other corrective action shall be maintained and monitored for a period of at least one year after the date it is planted. The health of a relocated tree shall be maintained and monitored for up to three years after the date it is transplanted, as determined by the Development Services Director based on the type and size of the relocated tree.

b. The Development Services Director shall inspect a relocated tree, replacement tree, or tree subject to corrective pruning or other corrective action one year after the transplanting, planting, or corrective action, as appropriate, and for relocated trees, at one-year increments during its maintenance and monitoring period. On determining that such a tree has died or been effectively destroyed, the Development Services Director shall order the tree to be replaced within 60 days, pursuant to a new Tree Permit. A new one-year maintenance and monitoring period shall start for the new replacement tree upon its planting.

c. All strapping and bracing material shall be monitored to prevent girdling and removed from all replacement trees at the end of the applicable maintenance and monitoring period.

2. Maintenance Guarantee

Any person other than a governmental entity who conducts tree relocation or replacement activities shall post a maintenance guarantee ensuring proper planting of the relocated or replacement trees and their survival for the applicable maintenance and monitoring period in accordance with Section 155.5902, Maintenance. This requirement may also be applied to persons conducting corrective pruning or other corrective action required by this section. This maintenance guarantee shall be in addition to any other performance guarantees or maintenance guarantees required for a proposed development or by any other entity.

155.5205. FLORIDA-FRIENDLY FERTILIZER USE

EXHIBIT F

A. Findings

As a result of impairment to the City's surface and ground water caused by excessive nutrients, the City Commission has determined that the use of fertilizers on lands within the City contribute to adverse effects on surface and/or ground water. Accordingly, the City Commission finds that management measures contained in the most recent edition of the "Florida-Friendly Best Management Practices for Protection of Water Resources by the Green Industries, 2008," will be implemented by the city as set forth below.

B. Purpose and Intent

This section regulates the proper use of fertilizers by any applicator; requires proper training of Commercial and Institutional Fertilizer Applicators; establishes training and licensing requirements; establishes a Prohibited Application Period; specifies allowable fertilizer application rates and methods, fertilizer-free zones, low maintenance zones, and exemptions. This section requires the use of Best Management Practices For Fertilizer which provide specific management guidelines to minimize negative secondary and cumulative environmental effects associated with the misuse of fertilizers. These secondary and cumulative effects have been observed in and on the City's natural and constructed stormwater conveyances, canals, lakes, estuaries and other water bodies.

Collectively, these water bodies are an asset critical to the environmental, recreational, cultural and economic well-being of the residents and the health of the public. Overgrowth of algae and vegetation hinder the effectiveness of flood attenuation provided by natural and constructed stormwater conveyances. Regulation of nutrients, including both phosphorus and nitrogen contained in fertilizer, will help improve and maintain water and habitat quality.

C. Applicability

This Section shall be applicable to and shall regulate any and all applicators of fertilizer and areas of application of fertilizer within the area of the City, unless such applicator is specifically exempted by the terms of this Section from the regulatory provisions of this Section. This Section shall be prospective only, and shall not impair any existing contracts.

D. Exemptions

This Section shall not be applicable to the following:

1. Bona fide farm operations as defined in the Florida Right to Farm Act, Section 823.14 Florida Statutes;
2. Other properties not subject to or covered under the Florida Right to Farm Act that have pastures used for grazing livestock; and
3. Any lands used for bona fide scientific research, including, but not limited to, research on the effects of fertilizer use on urban stormwater, water quality, agronomics, or horticulture.

E. Timing of Fertilizer Application

No applicator shall apply fertilizers containing nitrogen and/or phosphorus to turf and/or landscape plants during the Prohibited Application Period, or to saturated soils. The Prohibited Application Period is defined as the rainy season which is between May 1 and October 31 of every year.

F. Fertilizer-Free Zones

Fertilizer shall not be applied within ten (10) feet of any pond, stream, watercourse, lake, canal, or wetland as defined by the Florida Department of Environmental Protection (Chapter 62-340, Florida Administrative Code) or from the top of a seawall, unless a deflector shield, drop spreader, or liquid applicator with a visible and sharply defined edge, is used, in which case a minimum of 3 feet shall be maintained. If more stringent the Zoning Code regulations apply, this provision does not relieve the requirement to adhere to the more stringent regulations. Newly planted turf and/or

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landscape plants may be fertilized in this Zone only for a sixty (60) day period beginning 30 days after planting if need to allow the plants to become well established. Caution shall be used to prevent direct deposition of nutrients into the water.

G. Low Maintenance Zones

A voluntary ten (10) foot low maintenance zone is strongly recommended, but not mandated, from any pond, stream, water course, lake, wetland or from the top of a seawall. A swale/berm system is recommended for installation at the landward edge of this low maintenance zone to capture and filter runoff. If more stringent the Zoning Code regulations apply, this provision does not relieve the requirement to adhere to the more stringent regulations. No mowed or cut vegetative material may be deposited or left remaining in this zone or deposited in the water. Care should be taken to prevent the over-spray of aquatic weed products in this zone.

H. Fertilizer Content and Application Rates

1. Fertilizers applied to turf within the City shall be formulated and applied in accordance with requirements and directions provided by Rule 5E-1.003(2), Florida Administrative Code, Labeling Requirements For Urban Turf Fertilizers.
2. Fertilizer containing nitrogen or phosphorus shall not be applied before seeding or sodding a site, and shall not be applied for the first 30 days after seeding or sodding, except when hydro-seeding for temporary or permanent erosion control in an emergency situation (wildfire, etc.), or in accordance with the Stormwater Pollution Prevention Plan for that site.
3. Nitrogen or phosphorus fertilizer shall not be applied to turf or landscape plants except as provided in (a) above for turf, or in UF/IFAS recommendations for landscape plants, vegetable gardens, and fruit trees and shrubs, unless a soil or tissue deficiency has been verified by an approved test.

I. Application Practices

1. Spreader deflector shields are required when fertilizing via rotary (broadcast) spreaders. Deflectors must be positioned such that fertilizer granules are deflected away from all impervious surfaces, fertilizer-free zones and water bodies, including wetlands.
2. Fertilizer shall not be applied, spilled, or otherwise deposited on any impervious surfaces.
3. Any fertilizer applied, spilled, or deposited, either intentionally or accidentally, on any impervious surface shall be immediately and completely removed to the greatest extent practicable.
4. Fertilizer released on an impervious surface must be immediately contained and either legally applied to turf or any other legal site, or returned to the original or other appropriate container.
5. In no case shall fertilizer be washed, swept, or blown off impervious surfaces into stormwater drains, ditches, conveyances, or water bodies.

J. Management of Grass Clippings and Vegetative Matter

In no case shall grass clippings, vegetative material, and/or vegetative debris be washed, swept, or blown off into stormwater drains, ditches, conveyances, water bodies, wetlands, or sidewalks or roadways. Any material that is accidentally so deposited shall be immediately removed to the maximum extent practicable.

K. Training

1. All commercial and institutional applicators of fertilizer within the incorporated area of the City, shall abide by and successfully complete the six-hour training program in the "Florida-Friendly Best Management Practices for Protection of Water Resources by the Green Industries"

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offered by the Florida Department of Environmental Protection through the University of Florida Extension "Florida-Friendly Landscapes" program, or an approved equivalent.

2. Private, non-commercial applicators are encouraged to follow the recommendations of the University of Florida IFAS Florida Yards and Neighborhoods program when applying fertilizers.

L. Licensing of Commercial Applicators

1. Prior to 1 January 2014, all commercial applicators of fertilizer within the incorporated area of the City shall abide by and successfully complete training and continuing education requirements in the "Florida-friendly Best Management Practices for Protection of Water Resources by the Green Industries", offered by the Florida Department of Environmental Protection through the University of Florida IFAS "Florida-friendly Landscapes" program, or an approved equivalent program, prior to obtaining the City Business Tax Receipt for any category of occupation which may apply any fertilizer to turf and/or landscape plants. Commercial Fertilizer Applicators shall provide proof of completion of the program to the City Tax Collector's office within 180 days of the effective date of this ordinance.

2. After December 31, 2013, all commercial applicators of fertilizer within the incorporated area of the City, shall have and carry in their possession at all times when applying fertilizer, evidence of certification by the Florida Department of Agriculture and Consumer Services as a Commercial Fertilizer Applicator per 5E-14.117(18) F.A.C.

3. All businesses applying fertilizer to turf and/or landscape plants (including but not limited to residential lawns, golf courses, commercial properties, and multi-family and condominium properties) must ensure that at least one employee has a "Florida-Friendly Best Management Practices for Protection of Water Resources by the Green Industries" training certificate prior to the business owner obtaining a Local Business Tax Receipt. Owners for any category of occupation which may apply any fertilizer to Turf and/or Landscape Plants shall provide proof of completion of the program to the City Tax Collector's Office.

M. Enforcement

Funds generated by penalties imposed under this section shall be used by the City for the administration and enforcement of section 403.9337, Florida Statutes, and the corresponding sections of this ordinance, and to further water conservation and nonpoint pollution prevention activities.

PART 3 SCREENING, FENCES, AND WALLS

155.5301. SCREENING

A. Screening of Mechanical Equipment

1. Applicability

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);

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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.

b. Development Existing on or Before October 30, 1973 – Not Applicable

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 or near 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.

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.

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.

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.

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.

C. Location and Screening of Commercial Containers

1. Applicability

a. 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.

b. Development Existing on or Before October 24, 1978 – Not Applicable

c. Exemptions – Not Applicable

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;

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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.

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.

155.5302. FENCES AND WALLS

A. Purpose

The purpose of this section is to regulate the location, height, and appearance of fences and walls to maintain visual harmony within neighborhoods and the city, protect adjacent properties from the indiscriminate placement and unsightliness of fences and walls, and ensure the safety, security, and privacy of properties.

B. Applicability

1. The provisions of this section shall apply to all construction, substantial reconstruction, or replacement of fences or walls not required for support of a principal or accessory structure, or any other linear barrier intended to delineate different portions of a lot.

2. If there is any inconsistency between the provisions of this section and any screening standard in Section 155.5301, Screening, the standards in Section 155.5301, Screening, shall control.

3. The Development Services Director may waive all or part of the standards in this section, 155.5302, if it is demonstrated that the implementation of the standards results in a conflict with the city's adopted CPTED guidelines.

C. General Requirements for Fences and Walls

1. Fences Prohibited on Vacant Lots

a. General

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Except as otherwise provided in subsection b below, fences are prohibited on any lot that is vacant for any reason (including the result of demolition) or is generally in a vacant state. Lots containing a principal building or principal use (including lots containing community gardens, parks, or other open space uses) shall not be considered vacant land.

b. Exceptions

i. Fencing Allowed on Vacant Lots

A split rail type barrier, guard rail type barrier, or posts or bollards with connecting wires or chains may be erected around the perimeter of a lot to deter vehicular access to the lot if the fence:

(A) Has no more than three horizontal members; and

(B) Is no more than four feet in height above ground level or the level of a berm that is no more than four feet high and is covered with landscaping and ground cover.

ii. Fencing Required on Vacant Lots Along the Scenic Highway

(A) Vacant lots located along the Scenic Highway shall provide a white split rail type, low-profile barrier fence that is up to four feet tall with no more than two horizontal members, which shall look like the split rail fence in the picture below, along the front and corner (if applicable) lot lines to deter illegal parking on the lot.

(B) Corner vacant lots along the Scenic Highway shall also provide a white split rail type, low-profile barrier, fence that is up to four feet tall with no more than two horizontal members, which shall look like the split rail fence in the picture below along the lot's frontage on the side street.

(C) Vacant lots along the Scenic Highway with a single-family residential zoning district are exempt from the requirements of this section.

2. Location

Fences and walls are permitted along the perimeters of properties and within front, side, and rear yards except where expressly prohibited by this Code, the Building Code, or other city ordinance.

3. Fences and Walls near Fire Hydrants

Fences and walls shall not be located where they would prevent immediate view of, or access to, fire hydrants or other fire-fighting water supply devices, in accordance with the Fire Code.

4. Fences in Easements

Fences shall be prohibited within utility easements except to the extent approved by the Development Services Director after finding the fence would not impede the purpose or function of the easement, as set forth in an easement agreement with the city. The city shall not be responsible for damage to, or the repair or replacement of, fences that must be removed to access such easements. In no instance shall this provision be construed to prevent fencing around stormwater retention or detention facilities that may be required by this Code.

5. Blocking Natural Drainage Flow

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No fence shall be installed so as to block or divert a natural drainage flow on to or off of any other land.

6. Fences on Retaining Walls or Berms

Except as otherwise allowed in Section 155.5302.C.1.b.i, Fencing Allowed on Vacant Lots, if a fence is constructed on top of a wall or berm, the combined height of the fence and wall or berm shall not exceed the maximum height that would apply to the fence or wall alone.

7. Fences and Walls Within Buffers

Fences and walls shall be installed so as not to disturb or damage existing vegetation or installed plant material within perimeter buffers.

8. Integration with Other Required Landscaping

Required landscape screening for fences or walls may be integrated into the landscaping required for vehicular use area screening or perimeter buffers , provided the standards in Section 155.5203, Landscaping, are maintained.

9. Customary Materials

Fences shall be constructed of any combination of treated wood posts and planks, rot-resistant wood, wrought iron, decorative metal materials, or chain link. Walls shall be constructed of brick, stone, masonry materials, or products designed to resemble these materials. Where certain materials are specified for particular types of screening or buffering fences or walls, all other materials are prohibited.

D. Height Requirements for Fences and Walls

1. Applicability

a. General

Except for fences or walls exempted by subsection b below, a fence or wall shall comply with the height limits in this subsection. Fence or wall height is measured from natural grade.

b. Exemptions

i. Required Screening

A fence or wall provided to meet the standards of Section 155.5301, Screening, is exempted from the height standards of this subsection, but in no case shall the fence or wall exceed a height of ten feet.

ii. Recreational Fencing

Customary fencing provided as a part of a permitted tennis court, athletic field, or other recreational facility shall be exempt from the height restrictions of this subsection.

iii. Public Safety Use Fences and Walls

Major utilities, wireless communication towers, government facilities, and other public safety uses shall be allowed to increase maximum fence or wall heights to ten feet in front, side, and rear yards, unless further increased through an approved security plan—see subsection iv below.

iv. Security Plan Fences and Walls

An owner or tenant of property or a representative of a public agency responsible for a public facility may submit to the Development Services Director a site security plan proposing fences or walls taller than those permitted by this subsection, or the use of barbed or concertina wire atop a fence or wall. The Development Services Director shall approve, or approve with conditions, the site security plan and its proposed exemption of fences or walls from the standards of this subsection, on finding that:

(A) The condition, location, or use of the land, or the history of activity in the area, indicates the land or any materials stored or used on it are in significantly greater danger of theft or damage than surrounding land; and

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(B) The proposed taller fences or walls, or use of barbed or concertina wire, will not have a significant adverse effect on the security, functioning, appearance, or value of adjacent lands or the surrounding area as a whole.

2. Fences and Walls in Residential Districts

Except as otherwise provided in 155.5302.D.5, Fences and Walls Adjacent to Waterways, the following height limits shall apply to fences and walls within Residential zoning districts:

a. No fence or wall within a front yard or a street side yard shall exceed a height of four feet, provided that a fence or wall in a street side yard may be up to six feet in height if set back at least four feet from the street side lot line. Fence posts, including decorative finials, may extend up to six inches above the maximum fence height.

b. No fence or wall within an interior side yard or a rear yard shall exceed a height of six feet.

3. Fences and Walls in Commercial and Special Districts

Except as otherwise provided in 155.5302.D.5, Fences and Walls Adjacent to Waterways, no fence or wall within a commercial or special base zoning district shall exceed a height of eight feet, provided that a fence or wall abutting an Industrial zoning district may be up to ten feet in height.

4. Fences and Walls in Industrial Districts – Not Applicable

5. Fences and Walls Adjacent to Waterways

Where a lot abuts a canal or waterway, fences and walls adjacent to the canal or waterway shall comply with the following standards:

a. Within Rear Yard Corner Triangle

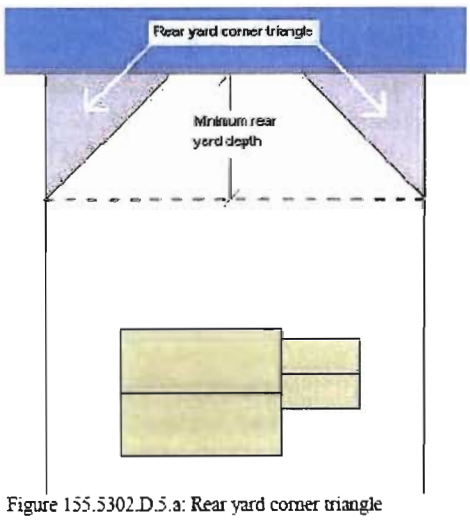

Figure 155.5302.D.5.a: Rear yard corner triangle

Figure 155.5302.D.5.a: Rear yard corner triangle

Except as otherwise provided in subsection e below, where the rear lot line abuts the canal or waterway, no fence, wall, or other obstruction greater than three feet high shall be located within the triangular land area formed by the intersection of the rear lot line with an interior side lot line not abutting a canal or waterway—with two sides of the triangle running along the rear and interior lot lines and being equal in length to the minimum rear yard depth, and the third side being a line connecting the ends of the other two sides—provided that a fence in such area may be as high as

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42 inches if it is 66 percent see-through and may be as high as six feet if it is at least 75 percent see-through. (See Figure 155.5302.D.5.a: Rear yard corner triangle.)

b. On a Rear Yard Terrace or Patio

Except as otherwise provided in subsection a above, the height of a fence or wall erected on a terrace or patio located or extending into the rear yard may be up to 42 inches high if it is at least 66 percent see-through and does not obstruct view of the canal or waterway from abutting lots.

c. Adjacent to Sea Wall

Except as otherwise provided in subsection a above, where a lot line abuts a canal or waterway along a sea wall that is less than four and one-half feet above mean sea level, the height of a fence or wall adjacent to the lot line may be up to seven and one-half feet above mean sea level.

d. Atop Sea Wall

No wall or fence shall be erected atop a seawall.

e. On all properties abutting the east right-of-way line of Harbour Drive (NE 26th Avenue) – Not Applicable

E. Perimeter Fences and Walls Abutting Street Rights-of-Way

Fences or walls located within 15 feet of a street right-of-way shall:

1. Be located outside the right-of-way;
2. Be of a uniform style; and
3. Be constructed of brick, stone, or concrete (when covered with stucco or similar finish), vinyl, or vertical wooden boards.

F. Appearance

1. Finished Side to Outside

Figure 155.5302.F.1: Fence with finished side out.

Figure 155.5302.F.1: Fence with finished side out

Wherever a fence or wall is installed, if one side of the fence or wall appears more "finished" than the other (e.g., one side of a fence has visible support framing and the other does not, or one side of a wall has a textured surface and other does not), then the more "finished" side of the fence shall face the exterior of the lot rather than the interior of the lot. (See Figure 155.5302.F.1: Fence with finished side out.) However, in the event that a wood fence is constructed against a significant obstacle on the adjoining property such as a hedge or another fence, that line of fence against the obstacle may be constructed with posts on the outside of the fence provided that the horizontal rails are at least 50% covered by boards on the side facing away from the property on which the fence is constructed.

2. Compatibility of Materials Along a Single Lot Side

All fencing or wall segments located along a single lot side shall be composed of a uniform style and colors.

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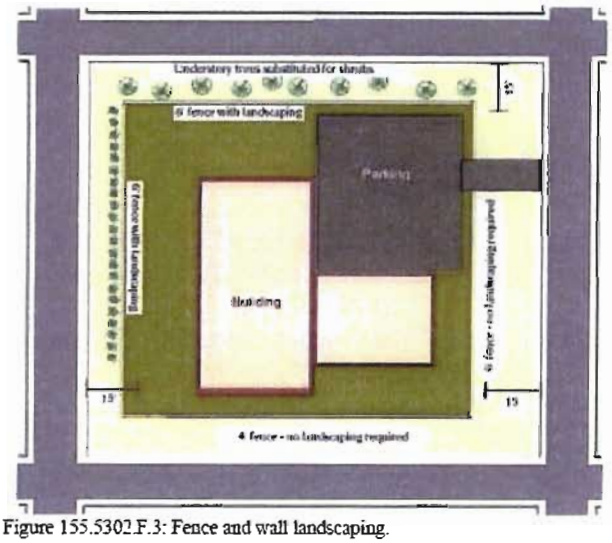

Figure 155.5302.F.3: Fence and wall landscaping.

Figure 155.5302.F.3: Fence and wall landscaping

3. Fence and Wall Landscaping

All chain link fences and all fences and walls exceeding four feet in height, if located within 15 feet of a street right-of-way, shall be supplemented with landscape screening in accordance with the standards in a and b below, to soften the visual impact of the fence. (See Figure 155.5302.F.3: Fence and wall landscaping.)

a. Shrubs Required

One evergreen shrub shall be installed for every five linear feet of fence or wall, and on the side of the fence or wall facing the public street right-of-way. Shrubs shall meet the size standards of Section 155.5203.B.2.g, Shrubs, and may be installed in a staggered, clustered, grouped, or linear fashion.

b. Substitution of Understory Trees

One understory or ornamental tree may be substituted for every three shrubs provided that the tree meets the size standards of Section 155.5203.B.2.h, Trees.

G. Prohibited and restricted fences

1. Chain Link Fences Along Arterial and Collector Streets

Fences constructed of chain link fences shall be prohibited abutting an arterial or collector street designated on the Broward County Trafficways Plan.

2. Barbed Wire, Razor Wire, Concertina Wire, and Aboveground Electrified Fences

In all zoning districts, fences using barbed, razor, or concertina wire and aboveground electrified fences shall be prohibited unless allowed through an approved security plan (See Section 155.5302.D.1.b.iv, Security Plan Fences and Walls.) Underground electric fences designed for control of domestic animals are allowed.

3. Debris, Junk, Rolled Plastic, Sheet Metal, Plywood, or Other Waste Materials

Fences or walls made of debris, junk, rolled plastic, sheet metal, plywood, or waste materials are prohibited in all zoning districts unless such materials have been recycled and reprocessed, for marketing to the general public, as building materials that resemble new building materials (e.g., picket fencing made from recycled plastic and fiber).

H. Maintenance Required

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All fences and walls and associated landscaping shall be maintained in good repair and in a safe and attractive condition—including, but not limited to, the repair or replacement of missing, decayed, or broken structural and decorative elements.

PART 4 EXTERIOR LIGHTING

155.5401. GENERAL EXTERIOR LIGHTING STANDARDS

A. Purpose

The purpose of this section is to regulate exterior lighting to ensure the safety of motorists and pedestrians and minimize adverse impacts on adjacent properties. More specifically, this section is intended to:

1. Regulate lighting to assure that excessive light spillage and glare are not directed at adjacent properties, neighboring areas, and motorists;
2. Ensure that all site lighting is designed and installed to maintain adequate lighting levels on site while limiting negative lighting impacts on adjacent lands; and
3. Provide security for persons and land.

B. Applicability

1. General

The provisions of this section shall apply to all development in the city unless exempted in accordance with Section 155.5401.B.2, Exemptions.

2. Exemptions

c. The Development Services Director may waive all or part of the standards in this Section, 155.5401, if it is demonstrated that the implementation of the standards results in a conflict with the city's adopted CPTED guidelines.

3. Lighting Plan Required

Applications for approval of a Major or Minor Site Plan (Section 155.2407) shall include a lighting plan (including a photometric plan) that addresses the standards in this section.

C. Lighting Location and Required Landscaping and Tree Protection

No exterior lighting fixtures shall be located in any landscaped planting areas required in and around vehicular uses areas in accordance with Section 155.5203.D, Vehicular Use Area Landscaping (e.g., perimeter landscaping strips, landscaped islands in parking bays, landscaped areas between parking bays, and landscaping between vehicular use areas and buildings).

D. Maximum Lighting Height

1. Except for outdoor sports fields or performance areas, the maximum height of exterior lighting fixtures, whether mounted on poles or walls or by other means, shall be:

c. 30 feet in all other parts of nonresidential districts.

2. Wherever possible, illumination of outdoor seating areas, building entrances, and walkways shall be accomplished by use of ground mounted fixtures not more than four feet in height.

E. Illumination Levels

All exterior lighting shall have intensities and a uniformity ratio consistent with the *IESNA Lighting Handbook* (Illuminations Engineering Society of North America) and shall be designed and located so that the illumination measured in foot-candles at finished grade shall comply with the standards in Table 155.5401.E, Minimum and Maximum Illumination Levels. The illumination shall take into account changes in finished grade, walls, and other existing or proposed building and site conditions.

TABLE 155.5401.E: MINIMUM AND MAXIMUM ILLUMINATION LEVELS

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TABLE 155.5401.E: MINIMUM AND MAXIMUM ILLUMINATION LEVELS		
Zoning District	**Minimum Illumination in Vehicular Use Areas** [1]	**Maximum Illumination at Property Line** [2]
All other	1.0 foot-candle	3.0 foot-candles
NOTES: 1. Measured at the edge of a vehicular use area, at ground level. 2. Measured at five feet above ground level		

F. Hours of Illumination

1. All exterior lighting not necessary for security or emergency purposes shall be reduced, activated by motion sensors, or turned off during no-operating hours.

2. For the purposes of this subsection, lighting "necessary for security or emergency purposes" shall be construed to mean the minimum amount of exterior lighting necessary to illuminate possible points of entry or exit into a structure, to illuminate exterior walkways, or to illuminate outdoor storage areas. Such lighting may be activated by motion sensor devices.

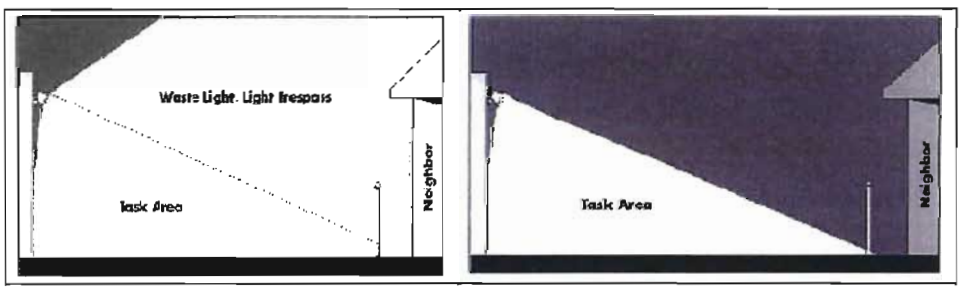
G. Illumination Direction and Shielding

1. Upwardly-directed lighting used to illuminate all or part of a structure or building facade shall use low-wattage architectural or decorative lighting so that direct light emissions are contained by the structure or facade and not be visible above the building roof line.

2. Light fixtures used to illuminate flags, statutes, or other objects mounted on a pole, pedestal, or platform shall use a narrow cone beam of light that does not extend beyond the illuminated object.

3. Any light source forming a lineal pattern shall be recessed within the structure in which it is located.

4. Any light source or lamp that emits more than 900 lumens shall be concealed or shielded with full cut-off style fixture with an angle not exceeding 90 degrees to minimize glare and unnecessary light diffusion onto adjacent properties and streets. (See Figure 155.5401.G: Shielding of light source to avoid light diffusion onto adjacent property.)



Noncompliant - Light diffusion onto adjacent property Compliant – No light diffusion onto adjacent property

Figure 155.5401.G: Shielding of light source to avoid light diffusion onto adjacent property.

Figure 155.5401.G: Shielding of light source to avoid light diffusion onto adjacent property

H. Flickering or Flashing Lights

No flickering or flashing exterior lights shall be allowed except for temporary decorative seasonal lighting.

I. Wall Pack Lights

EXHIBIT F

Wall packs on buildings may be used at entrances to a building to light unsafe areas. They are not intended to draw attention to the building or provide general building or site lighting. Wall packs on the exterior of the building shall be fully shielded (e.g., with true cut-off type bulb or light source not visible from off-site) to direct the light vertically downward and have a light output of 900 lumens or less.

J. Exemptions for a Security Plan

Government maintenance facilities, public safety facilities, parks and public spaces, and other uses where sensitive or dangerous materials are stored may submit to the Development Services Director a site security plan proposing exterior lighting that deviates from the standards in this subsection. The Development Services Director shall approve, or approve with conditions, the site security plan and its proposed deviation from the standards of this subsection, on finding that:

1. The proposed deviation from the standards is necessary for the adequate protection of the public;
2. The condition, location, or use of the land, or the history of activity in the area, indicates the land or any materials stored or used on it are in significantly greater danger of theft or damage, or members of the public are at greater risk for harm than on surrounding land; and
3. The proposed deviation from the standards is the minimum required, and will not have a significant adverse effect on neighboring lands.

K. Illumination of Outdoor Sports Fields and Performance Areas

Lighting of outdoor sports fields and performance areas shall comply with the following standards:

1. Glare Control Package

All lighting fixtures shall be equipped with a glare control package (e.g., louvers, shields, or similar devices) and aimed so that their beams are directed and fall within the primary playing or performance area.

2. Hours of Operation

The hours of operation for the lighting system for any game or event shall not continue more than one hour after the end of the game or event.

155.5402. LIGHTING REQUIREMENTS FOR MARINE TURTLE PROTECTION

A. Purpose

The purpose of this section is to reduce impacts of coastal lighting on the nesting and hatching of threatened and endangered sea turtles through restrictions, constraints and requirements to preserve and protect sea turtles and sea turtle inhabitants. To help do so, it is the policy of the city that no artificial light shall directly illuminate any area of the incorporated beaches of the city.

B. Applicability

1. General

a. Except as otherwise provided in subsection 2 below, the standards in this section shall apply to any coastal lighting activity in the city that has the potential to adversely impact sea turtles.

b. If an exterior lighting standard in this section conflicts with an exterior lighting standard in Section 155.5401, General Exterior Lighting Standards, the standard in this section shall govern.

2. Exception

The provisions contained in this section shall not apply where the Florida Fish and Wildlife Conservation Commission or other state agency with the appropriate authority has approved alternative lighting standards that conflict with the standards in this section. Such approval shall be in writing and detail the standards approved. Artificial light sources that are generated by lamps, bulbs, and other lighting sources approved for use by the Florida Fish and Wildlife Conservation

EXHIBIT F

Commission shall not constitute a violation of this section when properly shielded, mounted, and directed so that no filament, bulb or glowing lens is visible from the beach. Such lighting includes, but is not limited to:

a. Low pressure sodium (LPS) lamps of up to 35 watts;

b. Red, orange, or amber light emitting diodes (LEDs) consisting of true red, orange, or amber diodes (not filters);

c. True read neon lamps; and

d. Long wave lighting sources that produce light measuring more than 560 nanometers on a spectroscope.

C. Existing Beachfront Light and Development – Not Applicable

D. New Beachfront Lighting and Development

All lighting proposed as part of new development, including parking lots and dune walkovers, that can be seen from the beach shall comply with the following standards.

1. Floodlights, uplights, or spotlights used for decorative and accent purposes that are directly visible from the beach, or which indirectly or cumulatively illuminate the beach, are prohibited.

2. Wall-mounted light fixtures shall be fitted with hoods so the point source of light or any reflective surface of the light fixture is not directly visible from the beach.

3. Exterior light fixtures set on a base or pole shall not raise the source of light higher than 48 inches off the ground.

4. Only low intensity lighting shall be used to light parking areas, and light fixtures shall be positioned or shielded so that the light is cast downward and the light source is not visible from the beach and does not directly or indirectly illuminate the beach. Parking areas shall be located and designed to prevent vehicular headlights from directly or indirectly illuminating the beach. Vehicular lighting, parking area lighting, and roadway lighting shall be shielded from the beach through the use of ground-level barriers that do not interfere with marine turtle nesting or emergence of hatchlings, nor cause short or long-term damage to the beach and dune system.

5. Exterior lights used expressly for safety or security purposes shall be limited to the minimum number and configuration necessary for security and convenience. Lights designed to be activated only when approached (motion detectors) and switch off within two minutes duration are exempt if used for safety or security purposes.

6. Dune crosswalks, if lighted, shall utilize low-profile shielded luminaires.

7. Lights on balconies shall be fitted with hoods so they do not illuminate the beach.

8. Windows and glass doors—including those above the first floor of any multistory structures—located within line-of-sight of the beach are required to have tinted or filmed glass sufficient to shield interior lights and prevent them from illuminating the beach.

9. Temporary or security lighting of construction sites during the turtle nesting season shall be restricted so that illumination from the lights shall not spread the boundary of the property being developed, and in no case shall the lights illuminate the beach.

10. The screening or placement of hoods on artificial lights shall be consistent with any listing or labeling warnings, standards, requirements, or recommendations provided for the fixture in accordance with article 110-3 (b) of the National Electrical Code.

E. Streetlights and Lighting at Public Parks and Facilities

Streetlights and lighting at parks, government facilities, and publicly owned beach access areas shall be subject to the following standards.

EXHIBIT F

1. Wherever practicable, streetlights shall be located so that the bulk of their illumination is directed away from the beach. Streetlights shall be equipped with shades or shields that minimize backlighting and reduce their visibility from the beach.

2. Lights at parks, government facilities, and publicly owned beach access points shall be shielded or shaded during the turtle nesting season (March 1 through October 31 of each year) so they re not visible from the beach.

PART 8 SUSTAINABLE DEVELOPMENT STANDARDS

155.5801. PURPOSE

The purpose of this Part is to promote sustainable development practices as a means of addressing global climate change, protecting natural resources, and ensuring a high quality of life for future city residents. More specifically, it is intended to require new development to use a basic level of site and building design options that conserve energy, promote a healthy landscape, support public health and safety, and otherwise increase the development's sustainability—to provide incentives to encourage even greater use of sustainable development practices.

155.5802. 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.
2. Nonresidential and mixed-use development in the Transit-Oriented (TO) district shall achieve at least 18 points.
3. Nonresidential and mixed-use development in all other districts 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).

TABLE 155.5802: SUSTAINABLE DEVELOPMENT OPTIONS AND POINTS

TABLE 155.5802: SUSTAINABLE DEVELOPMENT OPTIONS AND POINTS		
Green Design Feature	Feature Description	Points
Brownfield site redevelopment	Redevelopment of a brownfield site within a designated brownfield area	6
Efficient Cooling	All air conditioners are Energy Star qualified.	2
Efficient Water Heating	At least 75 percent of hot water on premises is heated via tankless water heaters or solar water heaters.	2

EXHIBIT F

Reuse Water	Water used for dish, shower, sink, and/or laundry purposes is reused for landscape or golf course irrigation.		2
Green Building	The principal building meets or exceeds LEED certification for new construction. For sites with more than one principal building, points may be awarded for each.	LEED Certified	2
		LEED Silver	4
		LEED Gold	6
		LEED Platinum	8
Green Roof	At least 50 percent of the total surface area of the principal building's roof is a green roof constructed in accordance with the Building Code and ASTM green building standards.		4
Herb or Vegetable Garden	At least one-fourth acre on the site consists of an edible herb or vegetable garden (which may be open to the public).		2
Hurricane Resistant Structures	The principal building is constructed to meet increased wind loads.	150 mph load minimum	4
		200 mph load minimum	8
Infill or Mixed Use Development	The development constitutes infill development and/or mixed-use development.		4
Landscaped and Tree-Lined Street Median	Ingress and egress lanes of all non-service drives are separated by a landscaped median at least 5 feet wide and containing trees spaced no more than 40 feet apart.		2
Nature Path or Trail	Public pedestrian and/or bicycle access to natural elements is provided by a bike or pedestrian path or trail that is at least one-fourth mile long per every 150,000 square feet of buildingfloor area and does not intrude on or unduly harm existing natural features.		1
Overhangs	Overhangs are present on all south windows for energy efficiency purposes.		2
Parking Structure	At least 75 percent of the development's total number of required off-street parking spaces is contained in a parking deck or garage.		2
Parking Structure, Green	At least 75 percent of the development's total number of required off-street parking spaces is contained in a parking deck or garage		4

EXHIBIT F

	and at least 50 percent of the total surface area of the top of the parking structure is a green roof.		
Permeable Parking Surfaces	Permeable surfacing materials are used for some or all of surface parking areas.	25 percent minimum	2
		59 percent minimum	4
Permeable Sidewalk Surfaces	Permeable or natural surfacing materials are used for all sidewalks.		2
Permeable Path or Trail Surfaces	Permeable or natural surfacing materials are used for all bike and pedestrian paths and trails.		1
Rain Gardens [Bioretention System]	The development includes rain gardens where each has an area of at least 100 square feet, is sized to hold stormwater runoff from between 5 and 10 percent of the impervious area draining to it, and consists of native plants planted in a sand/soil matrix soil bed with a mulch cover layer.	1 rain garden	1
		2 rain gardens	2
		3 rain gardens	3
		4 or more rain gardens	4
Rain Water Reuse	At least 75 percent of rain water from the roofs of structures is captured and recycled for landscape or golf course irrigation.		2
Skylights	The primary building is constructed with skylights that provide at least 10 percent of the light necessary for daily use on the story on which the skylights are located.		1
Solar Panels	A portion of the energy used by the primary building is generated using solar panels located onsite.	15 percent minimum	4
		30 percent minimum	8
		45 percent minimum	12
Sustainable Landscape	The development achieves the Sustainable Sites certification for site and landscaping design	One Star	2
		Two Stars	4
		Three Stars	6
		Four Stars	8
White Roof	All roof surfaces are painted white.		2

EXHIBIT F

Wind Turbines	A portion of the energy used by the primary building is generated using wind turbines located onsite.	15 percent minimum	4
		30 percent minimum	8
		45 percent minimum	12
Other	The development includes other green features that conserve energy, promote a healthy landscape, support public health and safety, or increase sustainability—points to be awarded at the discretion of the Development Services Director.		Up to 6

C. Documentation Required

Applicants shall provide documentation of techniques that will be used to satisfy the above requirement, as necessary, at the time of application submittal. Documentation for items that may not be visually verified as part of an inspection may be provided in the form of invoices, receipts, or delivery confirmation for the items in question.

155.5803. BONUSES FOR SUSTAINABLE DEVELOPMENT FEATURES – Not Applicable

EXHIBIT "B"
REGULATING PLAN

EXHIBIT G

PD-I WH Pompano				
List of Deviations and Justifications				
Code Section	Type	Requirements	Proposed Deviation	Justification
155.5101.H	Access and Circulation	Bicycle	Provide a combination 7 foot minimum pedestrian and bicycle path in lieu of two separate paths	Bicycles and pedestrian can share the same path from the public right-of-way to the main entrance of the buildings. Segregating the various modes of transportation can lead to excessive speeds by vehicles and create an unsafe condition for pedestrians and bicyclists. Allowing the combined paths maximizes the use of the property and allows reduction in the parking podium height which preserve the view corridors of the neighbors from abutting properties.
155.5102.I.1	Parking Space Dimensions	10 x 20 foot	To allow 9 x 18 foot parking spaces in lieu of 10 x 20 foot spaces	Allowing the parking space size maximizes the use of the property and allows reduction in the parking podium height thus preserving the view corridors of the neighbors from abutting properties.
155.5203.D.5	Landscape	VUA and Building	To allow a five (5) foot landscape strip and increased size and quantity of plant material in lieu of planting area between the building(s) and VUA	The code requirement appears to be very suburban in nature and does not take into account the urban areas nor infill areas of the city. The applicant does propose increasing the size and quantity of landscape material to compensate for not installing the landscape between the building and the VUA.

PLANNING AND ZONING BOARD/ LOCAL PLANNING AGENCY
MEMORANDUM #15-035

DATE: June 1, 2015

TO: City Commission

FROM: Planning and Zoning Board/ Local Planning Agency

SUBJECT: REZONING – PD-I (Planned Development - Infill) from B-3 (General Business)
1333 S Ocean Blvd
P & Z #15-13000004 WH Pompano, LP / WH Pompano West

At the meeting of the Planning and Zoning Board/ Local Planning Agency held on May 27th, 2015, the Board considered the request by **WH POMPANO, LP** requesting REZONING of the above referenced property.

As it is consistent with the goals, objectives, and policies of the Comprehensive Plan stated in Administrative Report 15-266, it is the recommendation of the Board by a 6-1 vote (Mr. Klosiewicz dissenting) that the REZONING request be approved with the following five (5) conditions of staff; six (6) conditions submitted by the applicant and the additional use restrictions agreed upon by the applicant at the meeting:

1. The deviation from the Air Park Overlay District may not be approved through the rezoning process, a variance or text amendment will be required prior to building permit approval.

2. Provide a copy of the recorded dedicated easement for Public Art, prior to building permit approval.

3. Provide a copy of the bus shelter easement prior to building permit approval.

4. Staff does not support eliminating the landscaped area between the VUA and the building entirely. A landscape buffer of 5 feet is required.

5. A unified control document will be required prior to City Commission approval.

6. Increased interior side yards by 50% to 15 feet. The increase will provide better view corridors on the north and south sides of the project and increase the separation from our neighbors.

7. Further increase front yard setback to 45 feet to enhance pedestrian experience along A1A.

8. Add in a minimum building separation of 40 feet. This minimum distance separation between buildings addresses view corridor concerns, which are not currently addressed in the PD-I plan and ensures public visibility to the Intracoastal Waterway.

9. In order to provide direct Public Pedestrian Access to the Intracoastal Waterway, WH Pompano will dedicate a public access easement from A1A to the Spanish River waterway along the northern property line of the west parcel. In order to ensure public safety, this access will provide reasonable limitations on the times of day that the access will be open to the public. The easement will also provide access to the

boat slips located on the northern portion of the property. Boat sharing slips will be dedicated to the northernmost slips, adjacent to the neighboring commercial use to our north.

10. Reduce the maximum floor plate to 18,000 square feet. Further reducing the floor plates of the buildings will ensure a more slender design and create wider vistas and view corridors through the property.

11. Eliminate the Hotel Use as a permitted use on the PD-I to have more consistent permitted uses to our primarily residential neighbors. Also strike the following uses from the list of permitted principal uses in the PD-I Regulation Plan West:
    a. Business service center
    b. Conference or training center
    c. Hall for hire
    d. Restaurant
    e. Grocery or convenience store
    f. Limited service hotel

12. If phasing is desired by the applicant, resubmit minor amendment and site plan approval.

Jim Beeson
Chairman
Planning and Zoning Board/ Local Planning Agency

kem
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pompano beach
Florida's Warmest Welcome

MEMORANDUM

Development Services

ADMINISTRATIVE MEMORANDUM NO. 15-266

DATE: May 18, 2015

TO: Planning & Zoning Board

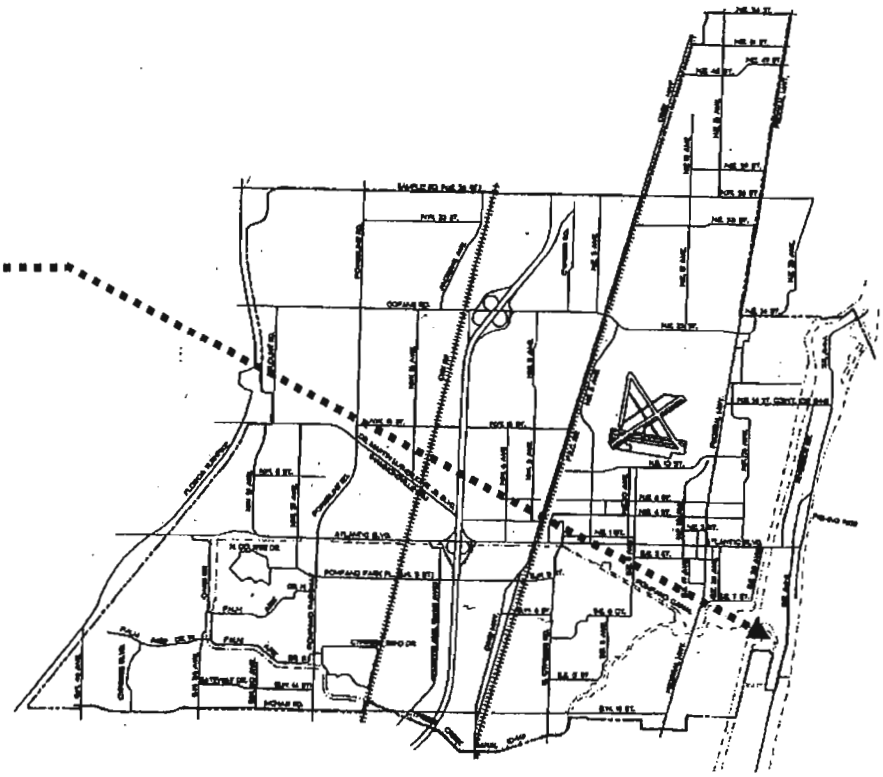
VIA: Robin M. Bird, Development Services Director

FROM: Daniel T. Keester, Planner

RE: Rezoning – From B-3 to PD-I at 1333 S Ocean Blvd (West Parcel)
May 27, 2015 Meeting P & Z #15-13000004

The applicant is requesting a rezoning from B-3 (General Business) to PD-I (Planned Development – Infill). This parcel has recently applied for an amendment to the underlying Land Use from C (Commercial) to H (High Residential 25-46 dwelling units / acre). The land use plan amendment was approved on first reading by the City Commission at the October 14th, 2014 Meeting. The parcel is located west of South Ocean Blvd (A1A) and south of SE 13th Street (4.1 net acres). The parcel is currently a vacant lot with a perimeter fence. The intent of a Planned Development is to encourage innovative land planning and site design concepts that support a high quality of life and achieve a high quality of development, environmental sensitivity, energy efficiency and other city goals and objectives. If approved, the Master Plan will allow for a mixed use development.

1333 S Ocean Blvd



LEGEND

FOR LAND USE PLAN

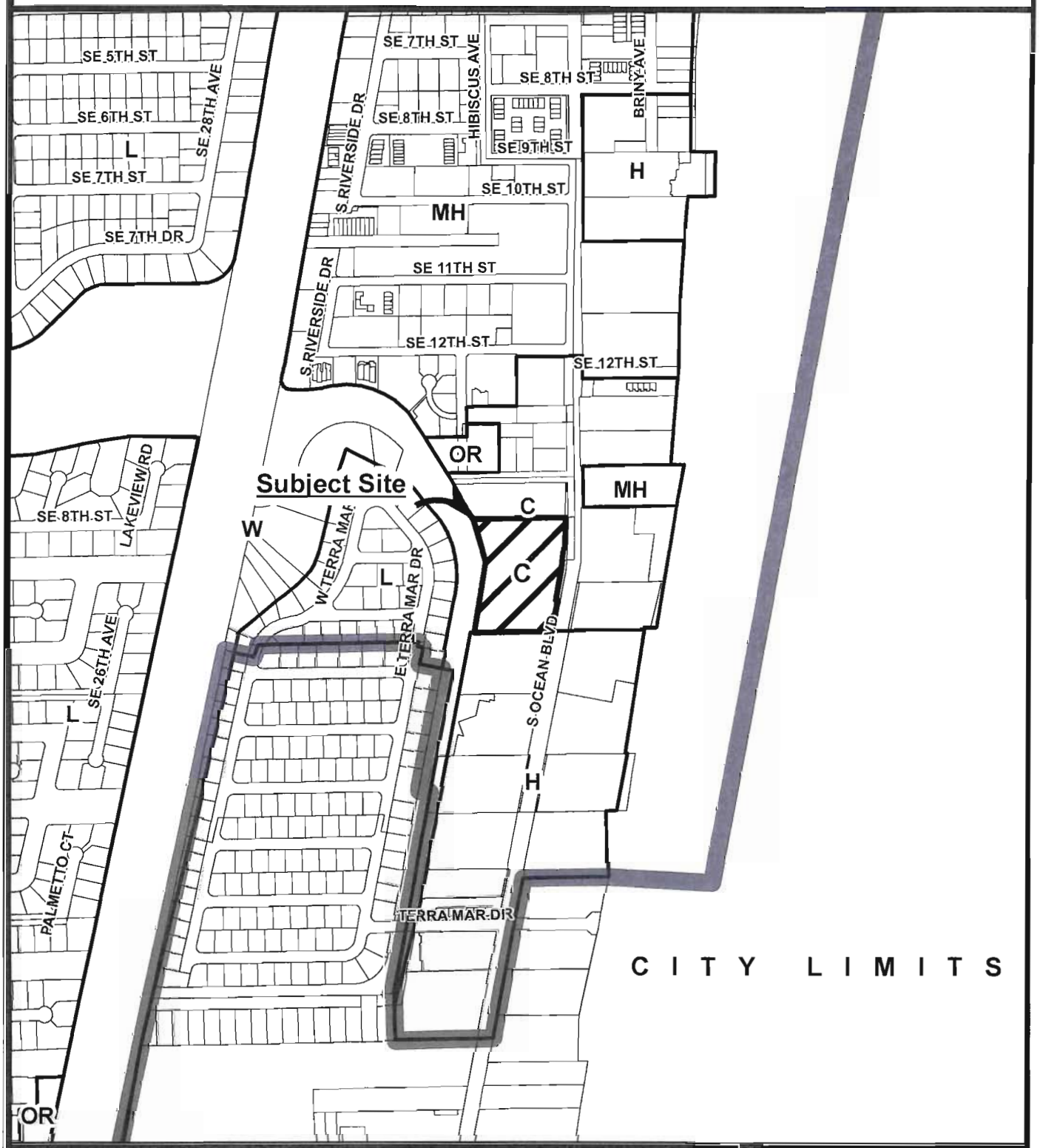
	Symbol	Classification Units/ Acre
		Gross Residential Density
		Residential
	E	Estate
	L	Low
	LM	Low- Medium
	M	Medium
	MH	Medium-High
>	H	High
*	C	Commercial
	CR	Commercial Recreation
	I	Industrial
	T	Transportation
	U	Utilities
	CF	Community Facilities
	OR	Recreation & Open Space
	W	Water
	RAC	Regional Activity Center
	LAC	Local Activity Center
		Boundaries
		City of Pompano Beach
		Number
		Reflects the maximum total number of units permitted within the dashed line of Palm Aire & Cypress Bend being 9,724 and 1,998

FOR ZONING MAP

	Symbol	District
	RS-1	One-Family Residence
	RS-2	One-Family Residence
	RS-3	One-Family Residence
	RS-4	One-Family Residence
	RD-1	Two- Family Residence
	RM-12	Multi-Family Residence
	RM-20	Multi-Family Residence
	RM-30	Multi-Family Residence
	RM-45	Multi-Family Residence
	RM-45/HR	Overlay
	RPUD	Residential Planned Unit Dev.
	AOD	Atlantic Boulevard Overlay District
	MH-12	Mobile Home Park
	B-1	Limited Business
	B-2	Neighborhood Business
*	B-3	General Business
	B-4	Heavy Business
	RO	Residence Office
	M-1	Marina Business
	M-2	Marina Industrial
	I-1	General Industrial
	I-1X	Special Industrial
	O-IP	Office Industrial Park
	BP	Business Parking
	BSC	Planned Shopping Center
>	PD-I	Planned Development Infill
	PCI	Planned Commercial / Industrial Overlay
	PR	Parks & Recreation
	CR	Commerical Recreation
	CF	Community Facilities
	T	Transportation
	PU	Public Utility
	LAC	Local Activity Center

*	**Existing**
>	**Proposed**

CITY OF POMPANO BEACH
OFFICIAL LAND USE MAP



1 in = 600 ft

5/15/2015 MacKer

3

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PREPARED BY:
DEPARTMENT OF
DEVELOPMENT SERVICES

CITY OF POMPANO BEACH
OFFICIAL ZONING MAP

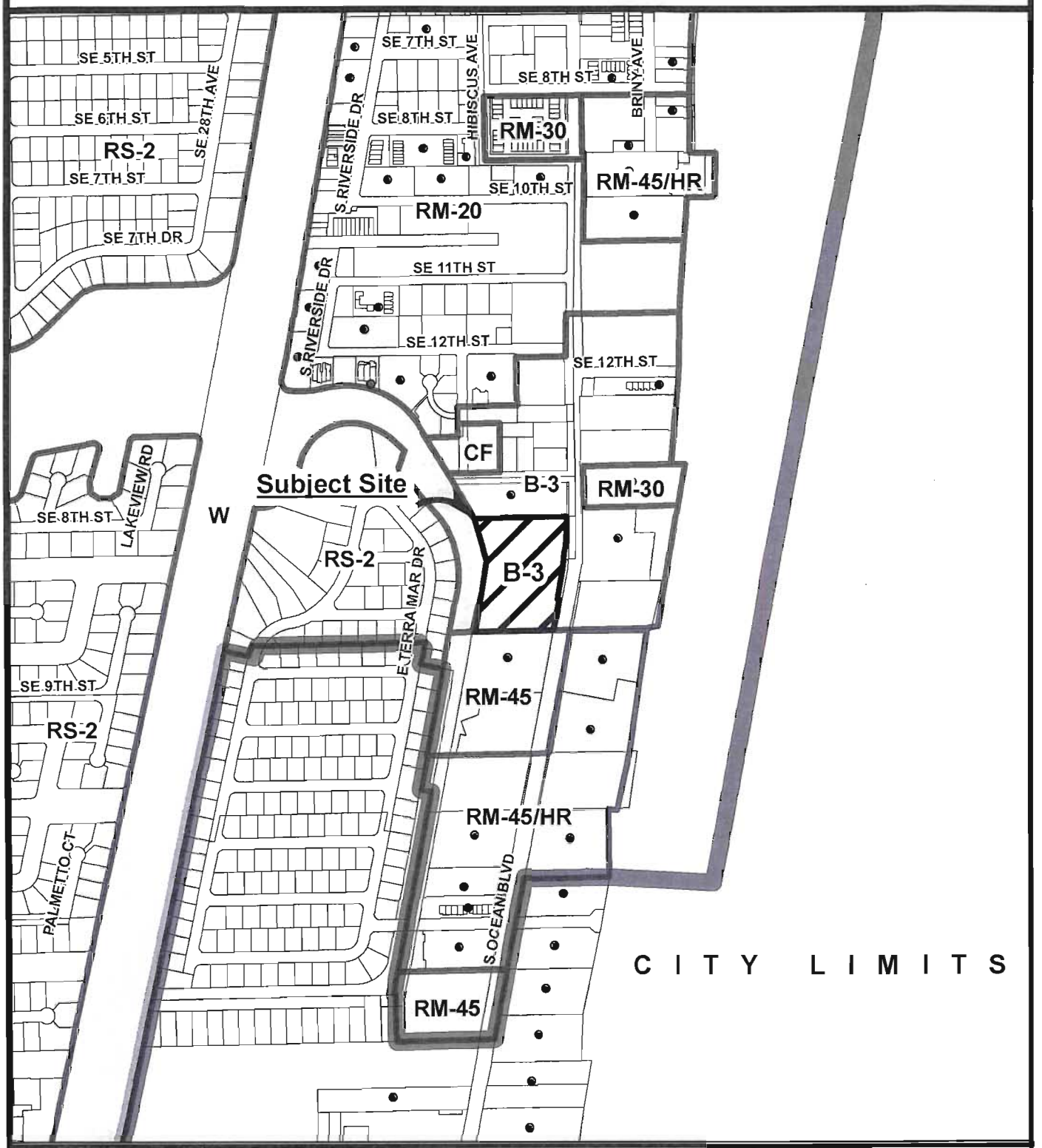

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EXHIBIT G

				Not providing the landscaping would also be consistent and compatible with the surrounding properties landscape designs. Many of the high rise buildings along A-1-A as well as the buildings directly abutting the north of south of this project do not have landscaped areas between the building and VUA. Below are photos of the surrounding buildings in the area all of which do not have landscape between the building and VUA.

EXHIBIT G

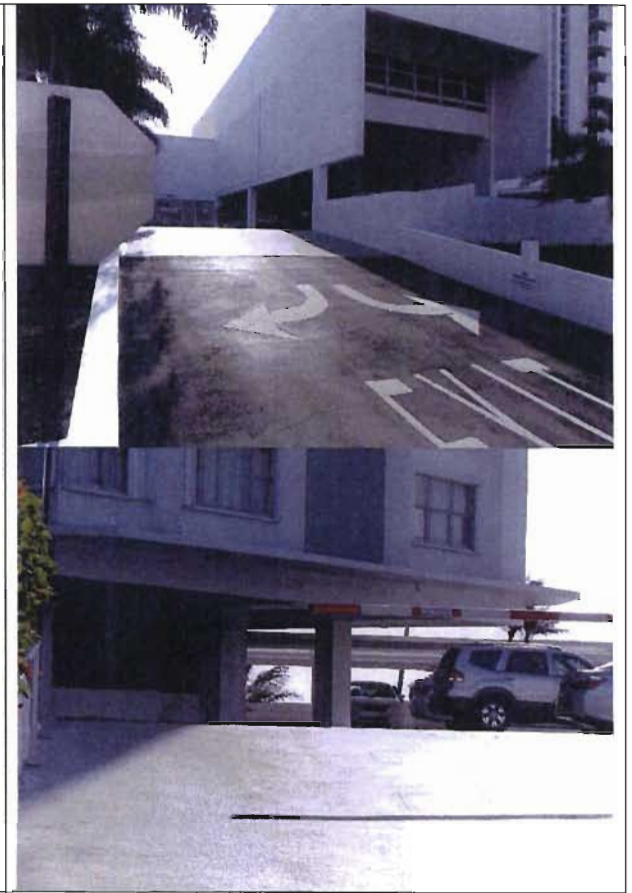
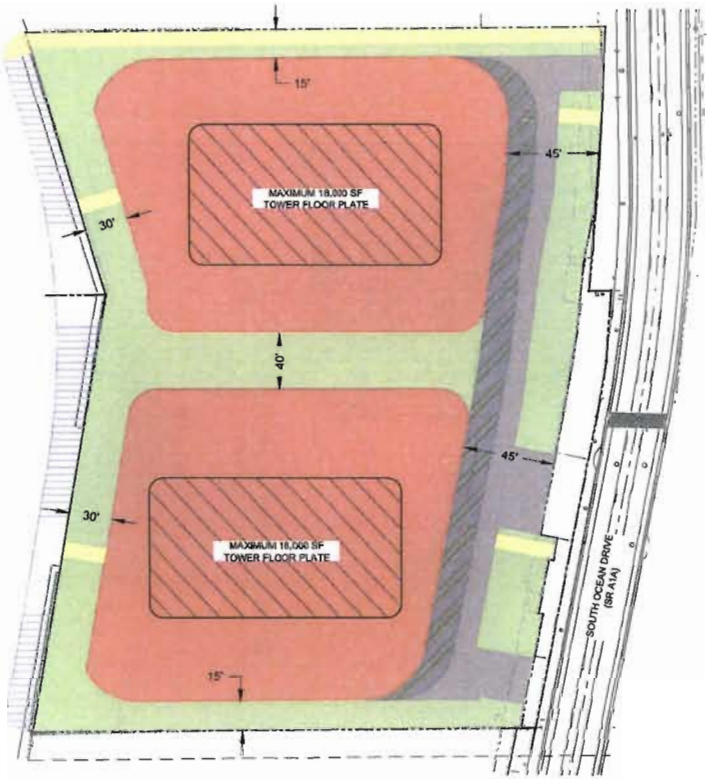


EXHIBIT "B"

Master Plan Pg 1 of 3



LEGEND:

- DOCK / MARINA
- LANDSCAPE BUFFERS / LANDSCAPE / PLAZA
- ROAD NETWORK
- BUILDING AREA RESIDENTIAL / HOTEL / COMMERCIAL / PARKING / PLAZA
- TRANSITION AREA (LANDSCAPE, SIDEWALK, DRIVE AISLE)
- PEDESTRIAN ACCESS
- TOWER FLOOR PLATE

NOTE:

THE PROJECT COULD HAVE UP TO TWO PHASES.

THE PROJECT WILL MEET OF EXCEED ALL PHASING REQUIREMENTS OF THE CITY OF POMPANO BEACH ONCE THE PHASE LINE IS ESTABLISHED.

PRELIMINARY PLAN
NOT FOR CONSTRUCTION

THESE PLANS ARE NOT FULLY PERMITTED AND ARE SUBJECT TO REVISIONS MADE DURING THE PERMITTING PROCESS. RESPONSIBILITY FOR THE USE OF THESE PLANS PRIOR TO OBTAINING PERMITS FROM ALL AGENCIES HAVING JURISDICTION OVER THE PROJECT WILL FALL SOLELY UPON THE USER.

DATE	REVISION

DATE: 09/06/2018
SCALE: AS INDICATED
DRAWN BY: MJA
DESIGN BY: MKL
CHECKED BY: LT

KEITH
CONSULTING ENGINEERS SINCE 1965
3970 Sample Road
Pompano Beach, Florida 33073-6643
(954) 788-3400; FAX (954) 788-3500
State of Florida Certificate of Authorization Number - 7928

WH POMPANO
BUILDING USE PLAN
CITY OF POMPANO BEACH BROWARD COUNTY

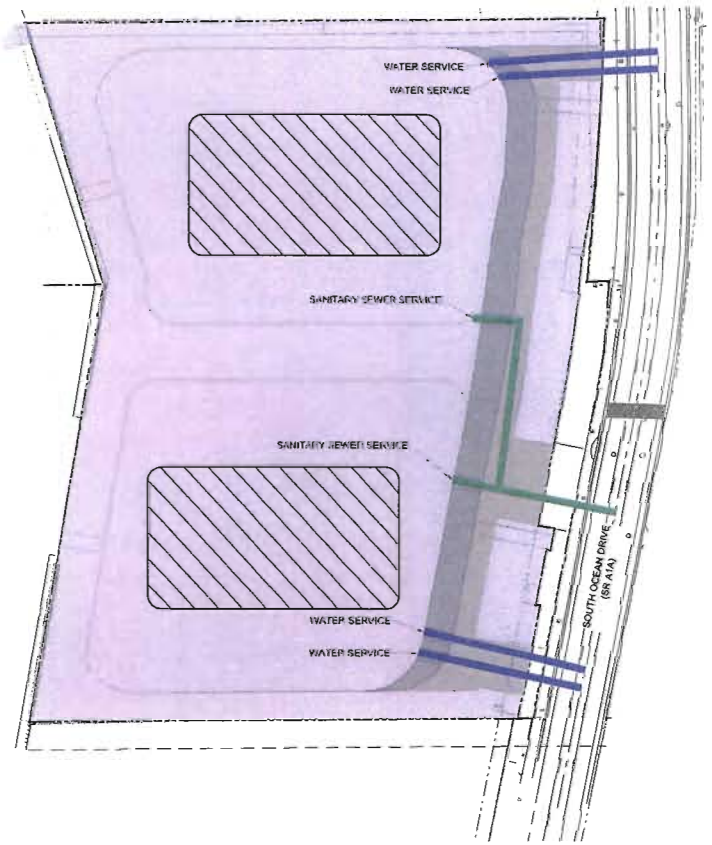
SHEET IDENTIFICATION
PD-1W
SHEET of

PROJECT no. 08464.00

EXHIBIT "B"

Master Plan Pg 2 of 3

NOTE: WATER & SEWER LINES WILL NOT BE LOCATED WITHIN LANDSCAPE AREAS



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PRELIMINARY PLAN
NOT FOR CONSTRUCTION

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DATE: 05/05/2015
SCALE: AS INDICATED
DRAWN BY: M.A.
DESIGN BY: M.V.
CHECKED BY: T.

DATE	REVISION

KEITH
CONSULTING ENGINEERS
301 East Atlantic Boulevard
Pompano Beach, Florida 33060-6643
(954) 788-3400; FAX (954) 788-3500
State of Florida Certificate of Authorization Number 2999

WH POMPANO
UTILITIES PLAN
CITY OF POMPANO BEACH BROWARD COUNTY

SHEET IDENTIFICATION
PD-2W
SHEET of

PROJECT NO. 08464.00

EXHIBIT "B"

Master Plan Pg 3 of 3

EXHIBIT "D"

PERMITTED AND ACCESSORY USE TABLE

P = PERMITTED PRINCIPAL USE

A = PERMITTED ACCESSORY USE

USE CATEGORIES (EXAMPLES AND CONDITIONS)	PLANNED MIXED-USE DISTRICT (PMD-1/2)	USE CONDITIONS
Principal Uses		
Residential		
Dwelling, multifamily	P	155.4202.C
Dwelling, duplex	P	155.4202.D
Principal Uses		
Commercial		
Animal grooming	P	155.4202.A
Building supply, commercial (strong line)	P	155.4202.B
Building supply, residential (soft line)	P	155.4202.C
Banks	P	155.4202.D
Clubs/lodges	P	155.4202.E
Contractors office or drawing establishment	P	155.4202.F
Convenience stores	P	155.4202.G
Professional office	P	155.4202.H
Art house, demonstration	P	155.4202.I
Electronic financial institution	P	155.4202.J
Dry cleaning or laundry drop-off establishment	P	155.4202.K
Personal service establishment	P	155.4202.L
Pet service	P	155.4202.M
Food establishment	P	155.4202.N
Office/retail mix	P	155.4202.O
Drug/medical pharmacy	P	155.4202.P
Other retail establishment	P	155.4202.Q

Commercial Uses listed above are limited to a maximum of 70,000 square feet for the entire project, a maximum of 10,000 square feet per building, and a maximum of 5,000 square feet per use.

Accessory Uses		
Automatic teller machine (ATM)	A	155.4202.G
Bar/pub	A	155.4202.H
Carwash, retail/drive	A	155.4202.I
Daycare	A	155.4202.J
Electric vehicle (EV) charging station, level 1 or 2 charging	A	155.4202.K
Electric vehicle (EV) fast charging station	A	155.4202.L
Food truck	A	155.4202.M
Garage/yard sales	A	155.4202.N
Drive-up/drive-in	A	155.4202.O
Home based business	A	155.4202.P
Outdoor display of merchandise	A	155.4202.Q
Outdoor seating, including sidewalk cafe/pedestrian seating area	A	155.4202.R
Outdoor storage	A	155.4202.S
Vendor stand as accessory use	A	155.4202.T
Satellite dish	A	155.4202.U
Alternative energy system	A	155.4202.V
Rain sensor/weather station	A	155.4202.W
Swimming pool/hot tub or vessel	A	155.4202.X
Television or radio antenna	A	155.4202.Y
Mechanical equipment and service	A	155.4202.Z
Mechanical penthouse, stairs, lifts, vestibules, or walkways	A	155.4202.AA
Trellises	A	155.4202.BB
Spring fences, protecting or screening	A	155.4202.CC
Screen	A	155.4202.DD
Facility and utility improvements as of [illegible]	A	155.4202.EE

EXHIBIT "E"

Intensity and Dimensional Standards

[illegible]	PD-I
Lot area, minimum (sq ft)	N/A
Lot width, minimum (ft)	N/A
Density, maximum (du/ac)	46
Lot coverage, maximum (% of lot area)	60
Pervious area, minimum (% of lot area)	25
Height, maximum (ft)	150
Front yard setback, minimum (ft)	45
Street side yard setback, minimum (ft)	20
Setback from a waterway or canal, minimum (ft)	30
Setback from a dune vegetation line, minimum (ft)	25
Interior side yard setback, minimum (ft)	15
Rear yard setback, minimum (ft)	30
Spacing Between Principle Structures	40
Maximum Building Floor Plate	18,000[2]

NOTES: [sq ft = square feet; ft = feet; du/ac = dwelling units/acre]

1. See measurement rules and allowed exceptions/relations in Article 9; Part 4.
2. PD-I. Applies to tower floor plates above the 6th floor.

EXHIBIT "G"

PD-I WH Pompano

List of Deviations and Justifications

Code Section	Type	Requirements	Proposed Deviation	Justification
155.5101.H	Access and Circulation	Bicycle	Provide a combination 7 foot minimum pedestrian and bicycle path in lieu of two separate paths	Bicycles and pedestrian can share the same path from the public right-of-way to the main entrance of the buildings. Segregating the various modes of transportation can lead to excessive speeds by vehicles and create an unsafe condition for pedestrians and bicyclists. Allowing the combined paths maximizes the use of the property and allows reduction in the parking podium height which preserve the view corridors of the neighbors from abutting properties.
155.5102.I.1	Parking Space Dimensions	10 x 20 foot	To allow 9 x 18 foot parking spaces in lieu of 10 x 20 foot spaces	Allowing the parking space size maximizes the use of the property and allows reduction in the parking podium height thus preserving the view corridors of the neighbors from abutting properties.
155.5203.D.5	Landscape	VUA and Building	To allow a five (5) foot landscape strip and increased size and quantity of plant material in lieu of planting area between the building(s) and VUA	The code requirement appears to be very suburban in nature and does not take into account the urban areas nor infill areas of the city. The applicant does propose increasing the size and quantity of landscape material to compensate for not installing the landscape between the building and the VUA. Not providing the landscaping would also be consistent and compatible with the surrounding properties landscape designs. Many of the high rise buildings along A-1-A as well as the buildings directly abutting the north of south of this project do not have landscaped areas between the building and VUA.

Below are photos of the surrounding buildings in the area all of which do not have landscape between the building and VUA.

DATE: 10/09/2015
SCALE: AS INDICATED
DRAWN BY: MA
DESIGN BY: MA
CHECKED BY: JT

DATE	REVISION

KEITH
Environmental Services
Planning & Permitting
301 East Atlantic Boulevard
Pompano Beach, Florida 33060-6643
(954) 788-3400; FAX (954) 788-3500
State of Florida Certificate of Authorization Number: 2928

WH POMPANO
BUILDING USE PLAN
TABLES

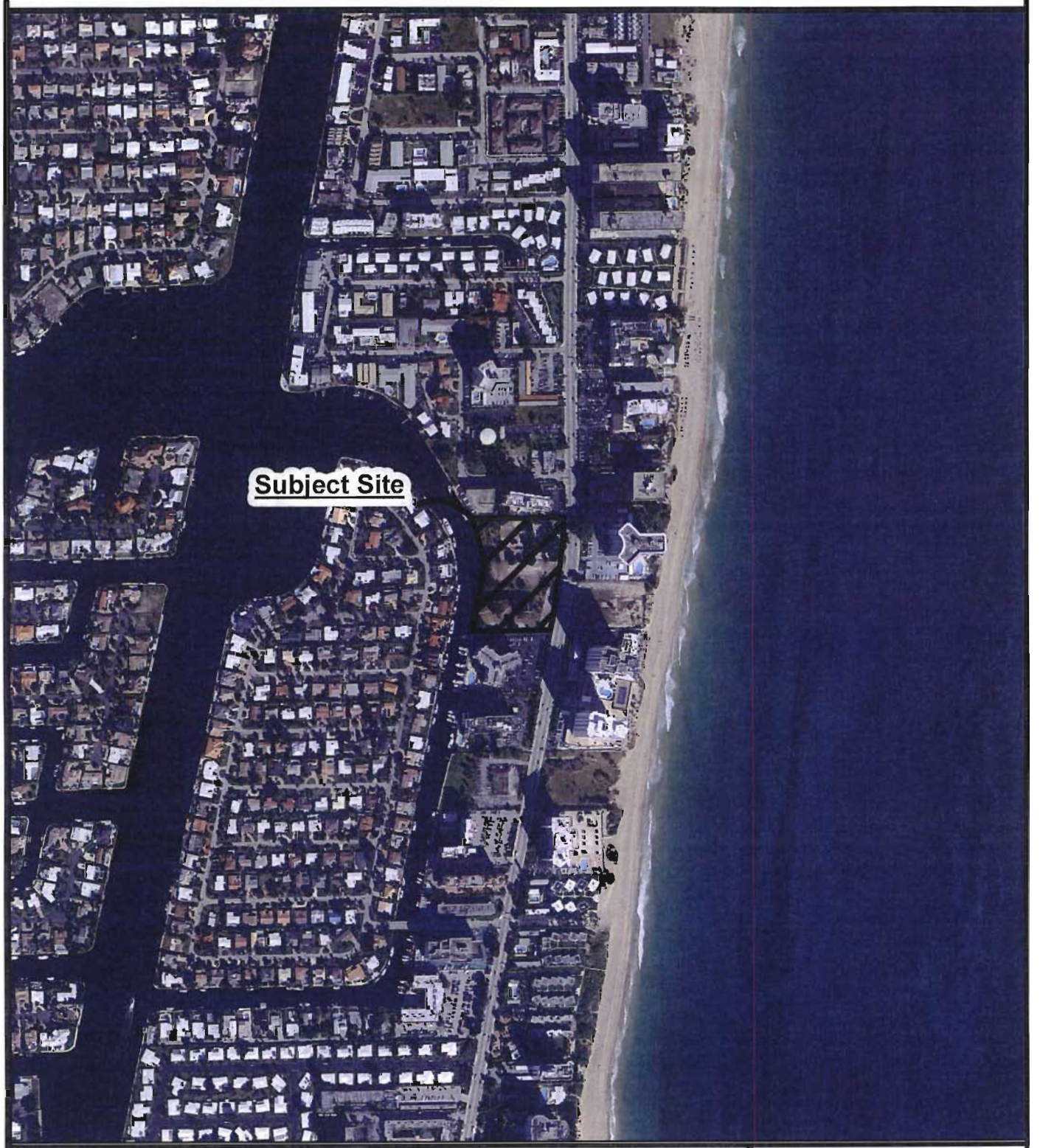
CITY OF POMPANO BEACH BROWARD COUNTY

SHEET IDENTIFICATION
PD-3W
SHEET of

PROJECT NO. 08464.00

CITY OF POMPANO BEACH
AERIAL MAP

N



1 in = 600 ft

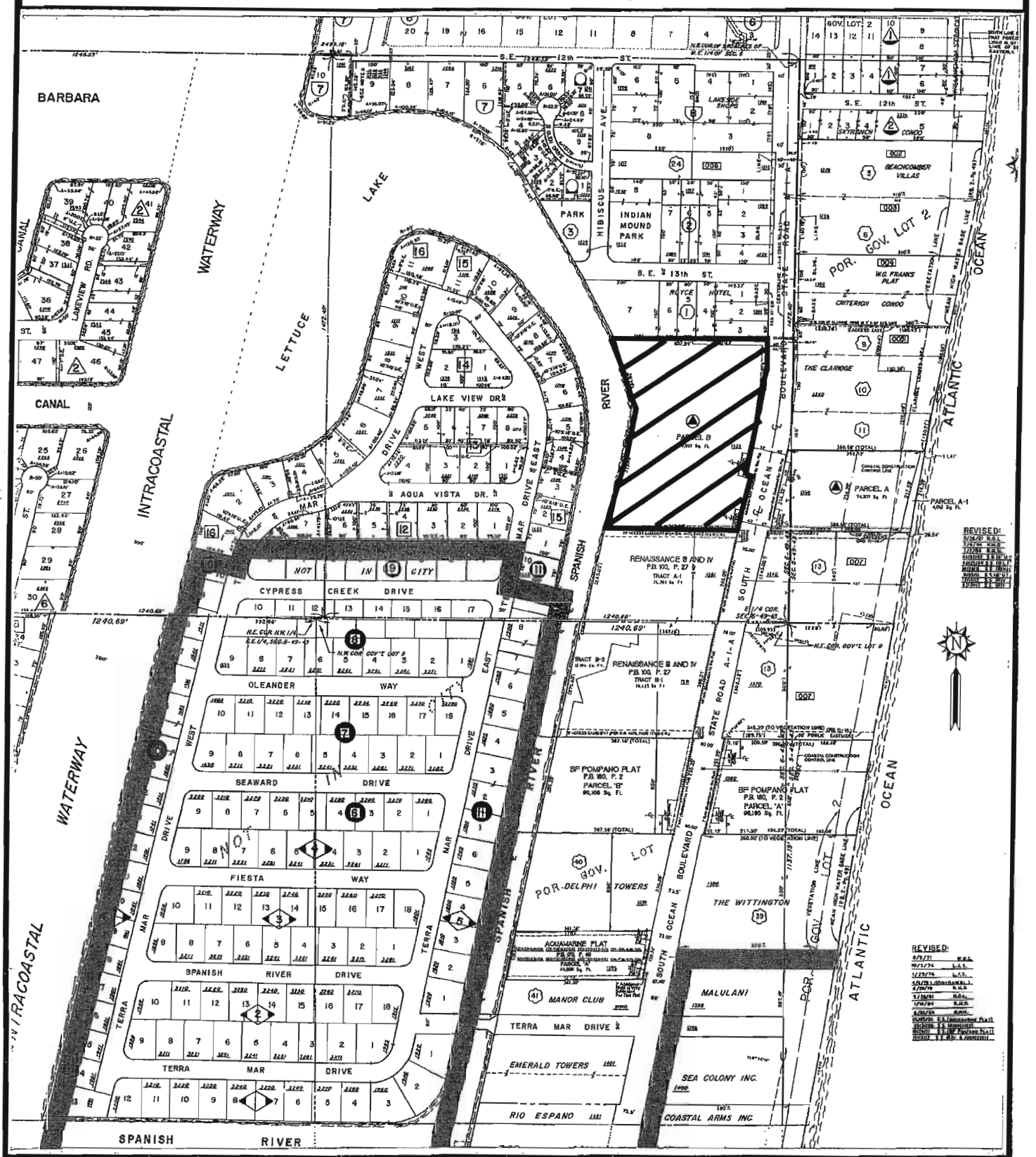
5/15/2015 MacKer

5

\\GISDBSVR\arcgisserver\directories\arcgisPlanning\All_Maps\P&Z Packets\2015\15-13000004_Maps.mxd

PREPARED BY:
DEPARTMENT OF
DEVELOPMENT SERVICES

EXCERPT FROM THE CITY OF POMPANO BEACH
PLAT MAP



SCALE: NTS

NORTH

REVIEW & SUMMARY

A. Pursuant to Section 155.2207(B) [Development Review Committee Report and Notice to Applicant], the Development Services Director has compiled the department comments from the Development Review (DRC) meeting held on March 4, 2015 and April 15, 2015 which are summarized below:

Planning Division:
Gross acreage for the western parcel equates to 4.6 acres. Given the Residential High (25-46 du/ac) land use designation, that equates to allowing for 211 units to be constructed on the property.

Engineering Department: No comments from the City Engineering Divsion on this proposed rezoning.

Fire Department:

This P&Z application is able to meet all of the Fire Department requirements at this time for Site Plan Review. However, the petitioner shall maintain all proper fire department access and water supply requirements as per chapter 18 of NFPA 1 as amended from time to time.

*Additional comments may follow throughout the remainder of the permitting process. The buildings shall be in compliance with All NFPA Standards prior to receiving Fire Department approval.

Solid Waste: No Comments on this proposed rezoning.

Utilities: No comments on rezoning. Development comments appear on 15-12000002.

Broward Sheriff Office: Review Complete No Objection.

Building:
Prior comments still stand:

The Building Division has no objections to the requested rezoning from B-3 to PD-1
* Additional comments may follow throughout the remainder of the permitting process.
Buildings shall comply with the 2010 Florida Building Code, HVHZ requirements, and appropriate floodplain ordinances.
1. Provide Survey, to verify all elevations applicable to the site, in addition, elevations at plans and survey must be in NAVD format and noted at plans and survey.
2. In addition, be aware of the substantial improvement requirements as required by FEMA and the Building Code.
3. 53.14 - Erosion and sedimentation control permit To be submitted at the time of permit

Urban Forestry:
This is project does not qualify for The Planned Development – Infill (PD-I). This district is established and intended to accommodate small-site infill development within the city's already developed areas. The PD-I district is intended to provide the flexibility to enable high-quality, mixed-use development on relatively small sites. This is not a small site but the largest developable property East of the Intracoastal in the City of Pompano Beach and by definition does not qualify as "small-site".

Section II.A.5 is incorrect and does not accurately depict the environmental significance of this property. Per Broward County and the City of Pompano Beach Definition This property has a large array of specimen trees,

throughout the site of different species, both native and non-native, many of which are among the largest of their kinds in the City.

Remove note referencing Phasing of this project. Development phasing plan indicates that the project may be planned in two Phases; however, no phase line is rendered on the Building Use Plan. Provide a Phasing Plan and a schedule of such plan, at this time for review. Phasing Plan and schedule will specify what will be developed at what time, otherwise remove the proposed Phasing from the application.

The application describes a greater volume of landscaping that will be provided; however, the corresponding regulations do not demonstrate that such a development will be submitted.

Reduction to the interior side yard setbacks, in effect reduces the minimum amount of landscaping can be provided.
Proposed deviation from the required landscaping between VUA and building proposes to increase the size and quantity of plant material in lieu of the required planting area. Provide what is required and how the design is attempting to meet that either through requirements or superior landscape design.
Propose superior landscape design above minimum requirements as the PD-I regulating plans indicates that allowing the PD-I zoning will require the developer to exceed the minimum landscaping requirement (page 6); however, the minimum development site landscaping indicated in Table 155.5203.C. is identical to the minimum development site landscaping that would be required for a residential or commercial zoning district.

Staff does not support eliminating the landscaped area between the VUA and the building entirely, as suggested.

Based on the comments above, a resubmission to DRC will be required.

Zoning:

Based on the information the rezoning application to a Planned Development does not encourage innovative land planning and site design concepts that support a high quality of life and achieve a high quality of development, environmental sensitivity, energy efficiency, and other city goals and objectives.

Should the applicant decide to go forward with the Planned Development-Infill application the following modification must be made to the application and Master Plan, prior to Planning & Zoning Board submittal.

1. The application proposes the maximum number of residential units and uses, while requesting less than the minimum development standards required by code.
   a. Setbacks proposed in the PD-I Regulating Plans are not consistent with the proposed "Building Use Plan" submitted. For example, based on the scaled drawing, the "Building Area" is proposed as greater than the proposed 35 foot setback proposed in the Regulating Plans.
   b. Include a Table with the Intensity & Dimensional Standards for this PD-I (only) on the Building Use Plan.
   c. Include a Table with each of the deviations requested on the Building Use Plan.
   d. Update the PD-I Regulating Intensity and Dimensional Standards to correct certain errors. The front yard, abuts A1A, the Rear Yard abuts the Intracoastal, and there are 2 interior side yards (north & south property lines).

e. Remove the "N/A" from the Rear Yard setback, the rear yard setback proposed is 30 feet, as proposed. Certain accessory structures may not be located in a "rear yard" and certain accessory structures may not be located when abutting a waterway, both setbacks must be listed on the Table.

2. The application describes a greater volume of landscaping that will be provided; however, the corresponding regulations do not demonstrate that such a development will be submitted. Inconsistencies exist between the justifications for certain deviations, and the setbacks and minimum development standards.
   a. Proposed reduction to the interior side yard setbacks, in effect reduces the minimum amount of landscaping that can be provided.
   b. Proposed deviation from the required landscaping between VUA and building proposes to increase the size and quantity of plant material in lieu of the required planting area. What is being increased?
   c. The PD-I regulating plans indicates that allowing the PD-I zoning will require the developer to exceed the minimum landscaping requirement (page 6); however, the minimum development site landscaping indicated in Table 155.5203.C. is identical to the minimum development site landscaping that would be required for a residential or commercial zoning district.
3. The regulating use plan indicates that the maximum square foot of the "floor plates" will be limited to 20,000, if it exceeds 6 floors; however, it does not provide a maximum building foot print for the base floors. If the purpose of this PD-I is to preserve view corridors, clarify how the first 6 levels will be configured to preserve views.
4. Specify podium height setbacks, as well as general building setbacks, again if certain view corridors are preserved.
5. An application for PD-I would not limit the height of the proposed development, although a variance would still be required. A deviation from the Air Park Overlay District may not be approved through the rezoning process. A height maximum may be submitted with the PD Plan; however, the height approval may be subject to the standards in the Zoning Code (including a variance from the Air Park Overlay District).
6. A PD-I would permit for several retail & service uses that are not permit in the RM zoning districts; however, uses such as: Auditorium, theaters and nightclubs are incompatible with the Residential Land Use category as well as the neighboring properties. Additionally, "Bars and Lounges" should not be permitted as stand-alone permitted uses, but accessory to hotels, or restaurants.
7. Development Phasing plan indicates that the project may be planned in two Phases; however, no phase line is rendered on the Building Use Plan. Provide a Phasing Plan and a schedule of such plan, at this time for review. Phasing Plan and schedule will specify what will be developed at what time, otherwise remove the proposed Phasing from the application.
8. There following items should be reviewed and addressed upon future submittals:
   a. Update the Table of Contents as it does not accurately list the page numbers where each section can be found.
   b. Remove the "notes" in that list "view Table in PDF."
   c. Amend the note in Exhibit F to specify the date of submittal. "Note: Changes/ Deviations to the adopted City Code as of XXX date."
   d. Remove the RM zoning illumination standards table 155.5401, as the proposal is for a PD-I.
9. Submit a Unified Control Document prior to City Commission submittal.
10. Provide a copy of the dedicated easement for Public Art, prior to building permit approval.

11. Include Exhibit G (Deviations Table) on the PD Building Use Plan.
12. Submit a copy of the bus shelter easement prior to building permit approval.
13. Remove Exhibit F, Parts 5-7 & 9 from the Exhibit as these sections are not permitted to deviate from code with the PD Plan.
14. Staff does not support eliminating the landscaped area between the VUA and the building entirely, as suggested.
15. Clarify the bike parking ratio proposed, if a condominium is developed, hanging bicycle racks will be required a 1 per 2 parking spaces. If 211 units are developed, and 3 bedroom units are proposed, 2 parking spaces would be required per unit, and therefore 211 hanging bicycle racks would be provided. Review the regulating plan, and potential uses, and confirm if this is correct.

B. Zoning Department staff submits the following factual information which is relevant to this rezoning request:

1. The rezoning was reviewed by DRC on March 4, 2015 and April 15, 2015.

2. The property is platted and is located west of S Ocean Blvd.

3. The overall site is 4.6 gross acres (4.1 net acres).

4. The Zoning and uses of adjacent properties are:

North – B-3 (General Business), Beach Resort (Wyndham Santa Barbara)
South – RM-45 (Multi-Family Residential), Multi-Family Condominium's (Renaissance III)
East – B-3 (General Business) Pending PD-I Rezoning Application – Vacant Property
West – RS-2 (Single Family Residential), Terra Mar Residential Homes

5. The Land Use Designation is currently Commercial and pending final approval of the High Residential.

C. The following describes the planning objective for the Planned Development:

The narrative submitted by the applicant describes the concept of this planned development primarily to preserve view corridors. The application specifies that if buildings exceed 6 floors, the floor(s) above the 6th level will be restricted to 20,000 square feet. Additional planning objectives include allowing for a unique mix of uses, exceeding minimum landscaping requirements in terms of size and number of plantings and encouraging a greater variety of forms of transportation for the residents.

D. The following goals, objectives and policies of the City's Comprehensive Plan have been identified as pertinent to this rezoning:

Goal

01.00.00 The attainment of a living environment which provides the maximum physical, economic and social well being for the City and its residents through the thoughtful and planned use and control of the natural and man-made environments that discourages urban sprawl, is energy efficient and reduces greenhouse gas emissions.

01.02.02 Consider the preservation of established single-family and low-density neighborhoods in all re-zonings, land use plan amendments, and site approvals.

Objective Inconsistent Land Uses

01.03.00 Annually review and periodically update adopted land development regulations and established procedures that encourage the elimination or reduction of uses inconsistent with the City's character and Future Land Use Plan.

Policies

01.03.03 Encourage property owners to rezone the subject properties when initiating the development and/or redevelopment proposals to be consistent with the designations of the Land Use Plan Map.

01.03.07 Require the provision of decorative structural or vegetative buffers between different density residential land uses, and residential and non-residential land uses unless the applicant can demonstrate by evidence that the proper buffer is provided.

01.03.12 The following criteria may be used in evaluating rezoning requests:

1. Density;
2. Design;
3. Distance to similar development;
4. Existing adjoining uses;
5. Proposed adjoining uses;
6. Readiness for redevelopment of surrounding uses; and.
7. Proximity to mass transit.

Objective Major Corridor Land Use

01.04.00 Support and promote the intermix of residential and commercial uses along major traffic corridors.

Policies

01.04.02 The City of Pompano Beach shall amend its land development regulations to reduce parking requirements for residential and commercial uses along major corridors where it can be shown that pedestrian amenities are provided, shared parking is provided, or sufficient public parking is nearby.

E. Recommendation:

Given the information provided to the Board, as the finder of fact, staff provides the following recommendation and alternative motions, which may be revised or modified at the Board's discretion.

Alternative Motion I

Recommend denial as the Board finds that the application has not met the criteria for a planned Development. Specifically the master site plan proposed lacks sufficient detail and has yet to identify a clear planning purpose. Additionally, the request does not comply with the following general requirements of a Planned Development and is not consistent with the following goals, objectives and policies of the Comprehensive Plan, specifically:

155.3602 The PD Plan shall:

1. Include a statement of planning objectives for the district;
2. Identify the general location of individual development areas, identified by land use(s) and/or development density or intensity;
3. Identify for the entire PD district and each development area the land area, types and mix of land uses, number of residential units (by use type), nonresidential floor area (by use type), residential density, and nonresidential intensity;
4. Identify the general location, amount, and type (whether designated for active or passive recreation) of open space;

...

6. Identify the on-site transportation circulation system, including the general location of all public and private streets, existing or projected transit corridors, and pedestrian and bicycle pathways and how they will connect with existing and planned city systems.

01.02.02 Consider the preservation of established single-family and low-density neighborhoods in all re-zonings, land use plan amendments, and site approvals.

01.03.06 Consider density and intensity revisions with an emphasis on minimal negative impacts to existing residential areas, particularly single family areas.

01.03.11 Consider the compatibility of adjacent land uses in all Land Use Plan amendments and rezonings.

10.03.00 Water dependent and water related uses will be protected and encouraged within the coastal area; this shall include retaining commercial zoning so that private residential redevelopment does not displace such uses.

10.07.03 The evacuation times set forth in the Broward County Hurricane Evacuation Plan shall be maintained throughout the procedures set forth in the Pompano Beach Fire Rescue Hurricane Procedures.

Alternative Motion II

Table this application for additional information as requested by the Board.

Alternative Motion III

Recommend approval of the rezoning request from B-3 to PD-I, with the following conditions:

1. The deviation from the Air Park Overlay District may not be approved through the rezoning process, a variance or text amendment will be required prior to building permit approval.
2. Provide a copy of the recorded dedicated easement for Public Art, prior to building permit approval.
3. Provide a copy of the bus shelter easement prior to building permit approval.
4. Staff does not support eliminating the landscaped area between the VUA and the building entirely.
5. A unified control document will be required prior to City Commission approval.

KEITH & ASSOCIATES, INC.
consulting engineers
301 East Atlantic Boulevard, Pompano Beach, Florida 33060-6643
Tel: 954-788-3400 Fax: 954-788-3500

May 26, 2015

Robin Bird, Development Services Director
Development Services Department
City of Pompano Beach
100 West Atlantic Boulevard
Pompano Beach, FL 33351

RE: P&Z 15-13000004 - Rezoning from B-3 to PD-1
Additional Criteria to the Planning and Zoning Board
Location: 1333 South Ocean Boulevard
K&A Project Number: 08464.00

Dear Mr. Bird;

Based on our meeting May 22nd with Daniel Keester and Karen Freidman of your department and to further address your staff's concerns, WH Pompano has agreed to amend the PD-I plan to include the following additional restrictions. The goals of these modifications are to further specify and clarify the building massing, improved view corridors as well as visual and pedestrian access to the intracoastal waterway. The additional restrictions include:

1. Increased interior side yards by 50% to 15 feet. The increase will provide better view corridors on the north and south sides of the project and increase the separation from our neighbors.
2. Further increase front yard setback to 45 feet to enhance pedestrian experience along A1A.
3. Add in a minimum building separation of 40 feet. This minimum distance separation between buildings addresses view corridor concerns, which are not currently addressed in the PD-I plan and ensures public visibility to the Intracoastal Waterway.
4. In order to provide direct Public Pedestrian Access to the Intracoastal Waterway, WH Pompano will dedicate a public access easement from A1A to the Spanish River waterway along the northern property line of the west parcel. In order to ensure public safety, this access will provide reasonable limitations on the times of day that the access will be open to the public. The easement will also provide access to the boat slips located on the northern portion of the property. Boat sharing slips will be dedicated to the northernmost slips, adjacent to the neighboring commercial use to our north.
5. Reduce the maximum floor plate to 18,000 square feet. Further reducing the floor plates of the buildings will ensure a more slender design and create wider vistas and view corridors through the property.
6. Eliminate the Hotel Use as a permitted use on the PD-I to have more consistent permitted uses to our primarily residential neighbors.

P&Z
PZ15-13000004

If these additional criteria are accepted by the Planning and Zoning Board, our development team will incorporate the modifications into the PD-I plan prior to the City Commission hearing.

Sincerely,

Mike Vonder Meulen, AICP
Keith & Associates, Inc.

Cc: Dev Motwani, WH Pompano
Robert Lochrie, III, Lochrie and Chakas, P.A.

15-13000004
(WEST SIDE)

pompano beach
Florida's Warmest Welcome

City of Pompano Beach
Department of Development Services
Planning & Zoning Division

100 W. Atlantic Blvd Pompano Beach, FL 33060
Phone: 954.786.4634 **Fax:** 954.786.4666

Request for Rezoning to Planned Development

1333 South Ocean Blvd. (SR A1A)		
STREET ADDRESS		
Ocean Land Pompano Beach Resort PB 178 P127	Parcel B	
Subdivision	**Block**	**Lot**

Representative or Agent's interest in property (Owner, Lessee, Etc)	Owner
Has any previous application(s) been filed?	Yes X No ____
If Yes, give date of hearing and finding	Land Use Plan Amendment 2014

Agent or Representative	Landowner (Owner of Record)
Keith & Associates, Inc	WH Pompano. L.P.
Business Name (if applicable)	**Business Name (if applicable)**
Mike Vonder Meulen, AICP, Senior Planner	Dev Motwani, Manager
Print Name and Title	**Print Name and Title**
Signature	**Signature**
February 5, 2015	February 5, 2015
Date	**Date**
301 East Atlantic Blvd.	300 SW 1st Avenue, Suite 106
Street Address	**Street Address**
Pompano Beach, FL 33060	Fort Lauderdale, FL 33301
Mailing Address City/ State/ Zip	**Mailing Address City/ State/ Zip**
~~954-779-1119~~ 954-788-3400	954-522-6556
Phone Number	**Phone Number**
mvondermeulen@keith-associates.com rlochrie@lochrielaw.com	dev.motwani@gmail.com
Email	**Email**
Indicate your preferred medium to receive agendas and notifications: ___ Mail X E-Mail	Indicate your preferred medium to receive agendas and notifications: ___ Mail X E-Mail

City of Pompano Beach RECEIVED FEB 10 2015 Planning and Zoning